Page 1 of 218 EASTERN DISTRICT OF CALIFORNIA. 14 05532 CASENO. 1: DOCUDOITT BAK(PC) GUILLERMO TRUĴILLO CRUZ CZVJL RZCHTŚ COMPLAINT UNDER 42 U.S.C PLAINTEFF. 4 1983, FUR MONEY PAMAGES AND JURY TRIAL RECEIVED M. COMZALEZ ET. AL, 4 MC FEB 1 0 2022 6 DEMNIEL, ET. AL, CLERK U.S. DISTAICT COURT FEB 10 2022 EASTERN DISTANCTION CALIFORNIA DEFENDANTS, Clerk, U.S. District col Eastern District of Cali 8 JURISDICTION : 9 I PLAINTIFF, CHILLERMOTRUJILLO ERUZ, BRINGÉTHIS CIÚIL RIGHTS ACTION 10 USE OF FORCE RETALIATION, 11 in viblation of the eight, first and the due process c 12 AMENDMENT RIGHT'S OF THE WATER STATES CONSTITUTION, THE INCLUENT 13 CCCURED AT KERN VALLEY SMIE PRISON (K.V. S.P), ADMINISTRATIVE SEGREGATION 14 2 (A.S.U.2), E-POD, CELL#152, THIS COURT HAS JURISDICTION OVER THIS ACTION 15 TO.28 U.S.C. 1331 AND 1334 (Q X3). THIS COURT ALSO HAS SUPPLEMENTAL 16 JURISDICTION OVER PLAZUTIFFS, STATE-LAW CLAIMS PURSUANT TO 28 U.S.C. 1367. UNDER 17 FEDERAL RULE OF CIVIL PROCEDURE 38(b), AND ALSO HAS JURESDICTION TO A JURY TRIAL 18 19 VE 心じ症: 20 OF CALIFORNITÀ IS THE APPROPRIATE VENUE UNDER 28 U.S.C. 1391 21 (b)(2) BECAUSE IT'S WHERE THE EVENTS OR OMISSIONS GIVING RISE TO THE CLAIM OCCURED 22 ÍN THÍS ĐỂ STRÌCT. 23 PARTIES: 24 AINTIFF CUILLERMO TRUJILLO CRUZ, ARRIVED HERE AT KEIRN VALLEY STATE PRISONI 25 ON FRIDAY, FEBRUARY 03, 2021 FROM PELICAN BAY STATE PRISON (P.B.S.P) FOR 26 COURT PROCEEDINGS ON CASE NO # DEDIZOLADI. AT ALL TIMES RELEVANT TO THIS 27 N PLAINTEFF CONTINUED TO BE HOUSED AT (KVSP) A.S.U 2 WHICH IS LOCKTED IN 28 DELANO, CALIFORNIA.

PESSP DEFENDANT, M. CONZALEZ, IS A CORRECTIONAL OFFICER WHO IS EMPLOYED WITH THE

DEPARTMENT OF CORRECTIONS & REHABILITATION (C.D.C.R) WHO AT ALL TIMES

RELEVANT TO THIS ACTION HELD THE RANK OF LANDING FLOOR OFFICER AT (K.V.S.P)

AD-SEC UNIT 2 (A.S.U.2.)

WITNESSES, ARE CORRECTIONAL OFFICERS C.DAVIS, I. PEREZ, K. NIZAMI, AND OFFICER

R. HUSLEY WHO ARE EMPLOYED WITH THE DEPARTMENT OF CORRECTIONS & REHABILITATION

(C.D.C.R) WHO AT ALL TIMES RELEVANT TO THIS ACTION HELD THE RANK OF LANDING FLOOR

OFFICER AT (K.V.S.P) AND WERE ON DUTY ON SUNDAY, APRIL 11, 2021, THIRD WATCH SHIFT.

ASSISTENCE OFFICER M. GUNZALEZ, WITH UNLOCKENG FOOD PORT TRAY SLOTS FOR LAUNDRY

PICK UP AND PASS OUT.

DEFENDANT, (LVN) MCDANNIEL, IS A CORRECTIONAL NURSE WHO IS EMPLOYED FOR THE
DEPARTMENT OF CORRECTIONS & REHABILITATION (C.D.C.R.) WHO AT ALLTOME'S RELEVANT
TO THIS ACTION HELD THE RANK OF (LVN) AND WAS ON DUTY SUNDAY, APRIL 11, 2021, AT
KERNVALLEY STATE PRISON (K.V.SP) AD-SEGUMET 2.

EACH DEFENDANT, LISTED ABOVE IS BEING SUED IN THEIR OFFICIAL AND INDIVIDUAL

CAPACITIES. FACH DEFENDANT ACTED UNDER THE COLOR OF STATE LAW.

C THREE-STRIKE PROUTSION!

I PLAINTEFF, CUITLERMOTRUJELLO CRUZ, MENTE BRING'S THIS LAWSUIT UNDER THE THREE
STREKE PROUISION RULE PURSUANT TO 28 U.S.C. 1915 (g). SECTION 1915 (g) PROUIDESTHAT:

IN NO EVENT SHALL A PRISONER BRING A CIVIL ACTION OR APPEAL... UNDER THIS

SECTION HAS ON 3 OR MORE PRIOR OCCASSIONS, WHILE INCARCERATED OR DETAINED IN

ANY FACILITY, PROUCHT AN ACTION OR APPEAL IN A COURT OF THE UNITED STATES THAT

WAS DISMISSED ON THE GROUND THAT IT'S FREVOLOUS, MALICIOUS, OR FAIL'S TO STATE

A. CLAIM UPON WHICH RELIEF MAY BE GRANTED UNLESS. THE PRISONER IS UNDER

THIMITHEM DANGER OF SERIOUS PHYSICAL INJURY PURSUANT TO 28 U.S.C. 1915 (g).

HERE IN THIS MATTER THE CLERKS OF COURTS HAVE NOTICE NUMBROUS OF CASES THAT HAVE BEEN DESMISSED : (4). TRUJILLO VS. SHERMAN, CASE NO# 1:14-CV- 00975-SAB DISMISSED ON JANUARY OF 2016 FOR FAILURE TO STATE A CLAIM, (2). TRUJELLO VS. RUIZ, CASE NO H 1:14-CV- CO1401-DAM DISMISSED ON APRIL 25, 2015 FOR FAILURE TO STATE A CLAIM, (3). TRUJILLO VS. GOMZALEZ-MORAN, CASE NO # 17-15200 (9TH CIR.) DISMISSED AS FRIVOLCUS ON AUGUST 21, 2017, (4). TRUJELLO VS. GOMEZ, CASE NO # 1:15ev- 0859-EPG DISMISSED ON FEBRUARY 03, 2017 FOR FAILURE TO STATE A CLASTA (5). TRUJELLO VS. GOMEZ, CASENO # 1:14- CV-1797-DAD-DLB DESMISSED ON AUGUST 05, 2016 FOR FAILURE TO STATE A CLAIM. THEREFORE, I PLAINTEFF, CUILLERMOTRUJILLO CKUZ, SUBMITS MY WRITTEN ORAL ARGUEMENT THAT ON APRIL OB, 2021 AND APRIL 11, 2021, DID MEET THE IMMINIENT DANGER EXCEPTEDU AT THE TIME OF THE FILING GEHIND DEFENDANT, M. GONZALEZ, VERBAL THREAT'S TOWARD'S ME OF WANTING TO COMMIT A BATTERY UPON ME THE DAY I TRANSFER BACK TO PELICAN BAY STATE PRISON ONCE I PLAINTIFF, IS FINISH WITH OUT-TO-COURT PROCEEDING ON CASE NO # DF012066A. DEFENDANT, M. CONTALEZ, WANTS THE ASSAULT DONE AT RELEASE & RECEIVING (RAR) HOLDING CELLS IN RETALISATION, VENCENCE, AND VENDETTA FOR FILING 602 GRIEVANCE'S ACAINST HER AND PRIOR LAWSUITS IN THE PAST. SECONDLY, LIKE TO NOTE THAT THIS HAS NOT BEEN THE FIRST BATTERY COMMITTED AGAINST ME BY DEFENDANT, M. GINIZALEZ, WHICH SHOWS AN ON BUTHE PATTERN OF ON BUTHE PHYSICAL ENJURIES. THE FIRST ASSAULT BY DEFENDANT, M. CONZALEZ, OCCURED FROM FEBRUARY 2021 OR MARCH 2021 BY THE USE OF HER MECHANICAL RESTRAINTS (HANDCUFFS) TO CAUSE BRAKAGE OF SKIN TO WRIST, BLEEDING, SEVERE PAIN, DISCOMFORT, SORENETS, AND EMOTIONAL DISTRESS. THE SECOND ASSAULT BY DEFENDANT, M. CONZALEZ, OCCURED ON SUNDAY, APRIL 11, 2021 BY FLAMMING CELL # 152 DOOR FOOD PORT TRAY SLOT MALICIOUSLY AND SADISTICALLY WITH FULL FORCE AGAINST RIGHT AND LEFT HAND DURING LAUNDRY PASS OUT CAUSING DISCOMFORT, SEVERE PAIN, FORENESS, SWELLING, BREAKAGE OF SKINTO INDEX FINGER, MIDDLE FINGER, AND PINKY KNUCKLE WHITCH CAUSE SEVERE PAIN, SORENESS, BLEEDING,

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BRUISING, AND SEVERE EMUTIONAL DISTRESS. FINALLY, ON THURSDAY, APRIL OB, 2021; KERN VALLEY STATE PRISON (K.V.S.P) INSTITUTIONAL GANG INVESTIGATION UNST (TOI) CORRECTIONAL SERCEANT R. OLIVAREZ, SERVED HE WITH A C.D.C.R 128. B CHRONO REGARDING TO (SAFETY CONSERNS) INFORMATION JUDICATING I MR. TRUJELLO (AA-2974) MAY BE TARGETED FOR AN ASSAULT BY MEMBER'S ASSOCIATES OF THE MEXICAN MAFIA SECURITY THREAT GROUP-A (STG-A) IF HOUSED ON ANY CENERAL POPULATION (CP) FACILITY. I BELIEVE AND KNOW THAT SERCEANT R. OLJUAREZ, PERSONALLY WITH DEFENDANT, M. GONZALEZ, AND CO-WORKERS PERSONALLY FABRICATED THESE FALSE MISLEADING STATEMENTS AND STORY TO TRY AND COVER UP THEIR ASSAULT THAT THEY WANTED ACCOMPLISH UPON MY PERSON AND NOT FACE LIABILITY TO THE ENJURIES I MICHT OF SUSTAINED BEHIND THE BEATEN I WOULD OF TAKENED. THIS PARTICULAR 128-B CHRONO DATED: THURSDAY, APRIL OB, 2021 AUTOMATICALLY CIVES MORE WEIGHT TO THE IMMINIENT DANGER OF SERZIOUS PHYSICAL ENJURY PURSUANT TO 28 U.S. C. 1915(9) NOW THAT I PLAINTIFF, MR. TRUJELLO, IS BACK AT PELICAM BAY STATE PRISON DUE TO BEDIG DOWN WITH -TO-COURT PROCEEDINGS PRISON OFFICIALS HERE AT (D. B.S.P) ARE NOW FALLOWING THE SAME PATTERN OF VERBALTHREATS, SEE ATTACHED ALL C.D.C.R 602 GRIEVANCES THAT SUPPORTS THESE CLAIMS AS EXHIBITS (B).

FACTUAL ALLEGATIONS !

ON SUNDAY, APRIL II, 2021 AT APPROX 3:30 P.M. DEFENDANT, M. GONZALEZ, WAS ON DUTY

WORKING A 16 HOUR SHIFT (OVERTIME), WHEN SHE AN HER COWORKER'S C.DAVIS, K. NIZAMI;

AND I. PEREZ, STARTED UNLOCKING E-POD CELL DOOR'S FOOD PORT TRAY SLET'S FOR LAUNDRY

PASS OUT. AT THAT PODUT DEFENDANT, M. GONZALEZ, APPROACHED PLAINTHEF'S, TRUJELLO'S,

ASSIGNED CELL #152 THAT'S LOCATED IN AD-SEG UNIT 2, E-POD TO PICK UP DIRTY LAUNDRY

PERSONALLY PROVIDE

AND PASS OUT CHEAN LAUNDRY. I PLAINTIFF, MR. TRUJELLO, IMMEDIATELY MOTIFES HER

THE FALLOWING STATE WHITE CLETHING ONE T-SHIRT, ONE BOXER SHORT'S, AND ONE WHETE

TOWEL TO BE PROVIDE THE SAME EXACT CLETHING IN TURN, I PLAINTIFF, IMMEDIATELY

NOTICE NOTICE THAT THE CLOTHING OFFICER M. CONTALEZ, PROVIDE ME WAS(XL) TO SMALL

FOR ME AND EXPLAINED TO HER THAT I NEED A GIGGER SIZE (4XL) WHILE I WAS HOLDING CLOTHING ROLL AGAINST THE CELL FOOD PORT TRAY SLOT DOCK FRAME, AT THAT POINT UFFICER M. GONZALEZ (DEFENDANT) BECAME AGGETATTED AND VERY UP SET TO MY REQUEST TO BE PROVIDE WITH A BIGGER SIZE OF CLOTHING. AT THAT POINT DEPOUDANT, M. GOWZALEZ, MALICIDUSLY AND SADISTICALLY SLAMMED CELL DOOR FOOD PORT TRAY SLOT DOOR AGAINST BOTH MY RIGHT AND LEFT HAND WITH FULL FORCE, NEVER DID officer M. Gonzalez, provided me with verbal orders to move clothing roll AND HAND'S AWAY FROM 1500 PORTTRAY SLOT. DEFENDANT, M. GAIZALEZ, SLAMMED MY right an left hand two or three times with cell door rood point tray slot at HER FOURTH ATTEMPT TO SLAMMED MY HAND AGAIN, I GUICKLY MOVED MY HANDS AWAY FROM FOOD PORT TRAY SLOT WHICH LEFT THE STATE WHITE CLOTHING ROOL LAYING ON TOP OF THE FOOD POIRT TRAY SLOT THAT HAD GOSTON CAUGHT IN BETWEEN FOOD POIRT TRAY SLOT AND ASSIGNED CELL # 152 DOOR FRAME. OFFICER M. GOVEALEZ, THEN ALL UP SET OPEN THE FOOD PORT TRAY SLOT DOOR AND WITH HER RIGHT HAND TOSSED THE STATE WHITE eLOTHENG ROLL THAT WAS LAYING ON TOP OF THE FOOD PORT TRAY SLOT FRAME BACK INSIDE MY CELL #152 AND IMMEDIATELY WALKED AWAY FROM MY ASSICHED CELL #152 BEFORE I COULD OF ASKED HER TO SPEAK TO THE LIEUTENANT OR SERGEANT ON DUTY ABOUT THE INCIDENT AND OR REQUEST TO SPEAK TO (LVN) MURSE ON DUTY FOR MEDICAL TREAT-MENT. SHORTLY, AFTER THE ASSAULT DEFENDANT, M. GONZALEZ, MADE HER FINAL PAFFARE BANK CHECK.

SHORTLY, AFTER THE ASSAULT DEFENDANT, M. GONZALEZ, MADE HER FINAL PRESENTE BANK CHECK.

OF ALL INMATE'S WELFARE THAT ARE HOUSE IN AD-SEGUNIT 2, E-POD. OFFICER M. CONZALEZ,

STOP AT MY ASSIGNED CELL#152, I PLAINTIFF, MR. TRIJILLD, INFORMED HER IF CAN SPENK

TO LIEUTENANT OR SERGEANT ON DUTY ABOUT THE ASSAULT AND TO SPEAK WITH (LVN)

NURSE ON DUTY ABOUT MY INJURIES. WHERE DEFENDANT M. GONZALEZ, IGNORED MY

REGULEST AND JUST WALKED AWAY FROM MY CELL DOOR #152.

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INMATES WELFARE ON E-POD. OFFICER C.DAVIS (WITHESSES) STARTED HIS REITHE

SECURE BANK CHECKS OF ALL INMATES ON E-POD. I PLAINTIFF, MR. TRUJILLO,

INFORMED HIM ABOUT THE ASSAULT THAT HAD OCCURED FARLIER THAT DAY BY DEFENDANT

M. CONIZALEZ, I PERSONALLY ALSO INFORMED HIM THAT DINEED TO SPEAK TO LIEUTENANT,

OR SERGEANT ON DUTY RECARDING MY INJURIES TO HAVE PICTURES TAKEN AND SPEAK

TO (LVN) NURSE ON DUTY BUT NEVER GST THE APPORTUNITY TO SPEAK TO EATHER ONE OF

THEM. I, PLAINTIFF, WAS DENIZED C.D.C.R WOZ GRIENANCE THAT I REQUESTED FOR.

LATER THAT DAY ABOUT 4:30 p.m / FR. 5:000 p.M THAT SAME DAY SOUDAY, Apicil 11, 2021,

DURING CHOW PASS OUT AND UNLOCKING FOOD PORT FOR CHOW TO BE PASSED OUT AND LOCK

UP FOOD POIRT'S AFTER TRAY'S AND TRASH PICK UP OFFICER K. NIZAMI, WAS INFORMED BY

ME ABOUT DEFENDANT, M. GONZALEZ, ASSAULT AND BATTERY TOWARD'S ME WITH A STATE

OBJECT FOOD PORT TRAY SLOT DOOR, DURING LAUNDRY PASS OUT AND REQUEST TO HIM IF

I CAN SPEAK WITH THE LIEUTENANT SERGEANT ON DUTY. I ALSO REQUESTED TO SEE (LVN)

NURSE ON DUTY BECAUSE OF MY INJURIES I SUSTAINED EARLIER THAT DAY AND THAT

I WAS FEELING DISCOMFORT, SEVERE PAIN, SORENESS, SWEELLING AND BREAKAGE OF

SKIN TO INDEX FINGER, MIDDLE FINGER, AND PINKY KNUCKLE WHICH WAS BLEEDING

AND ONCE AGAIN NEVER OUT THE CHANCE TO SPEAK TO EATHER STAFF ABOUT THE INCIDENT.

OUER THE NEXT THREE (3) HOURS I, PLATATIFF, MR. TRUJELLO, WAS CONFINED IN MY
ASSIGNED CELL#162 THAT'S LOCATED ON E-POD. I WAS CONTINUE TO REQUEST TO OFFICER
C. DAVIS, K. NIZAMI, AND M. GANZALEZ DURING THEIR ROUTINE SECURE BANK CHECKS TO
SPEAK WITH LIEUTENANT OR SERGEANT AND (LVN) NURSE ON DUTY RECARDING THE
THERDENT AND INJURIES TO RICHT HAND AND HAVE PICTURES TAKEN OF THE INJURIES
WHICH MY REQUEST WAS DENIED.

DUTY OFFICER J. PEREZ (WITNESS) WAS CONDUCTING HIS FINALLY BANK CHECKÉ BEFORE

(K.V.S.P) INVESTIGATION UNIT STAFF.

10:00 P.M. I PLATUTIFF, PERSONALLY INFORMED OPFICER I. PEREZ (WITNESS) ABOUT
THE INCIDENT AND INJURIES I SUSTAINED BEHIND DEFEUDANT, M. CONZALEZ,
UNLAWFUL MISCONDUCT. WERE I REQUESTED TO SPEAK TO LIEUTENANT OR
SERGEANT AND SEE (LVN) NURSE ABOUT MY INJURIES AND TO HAVE PICTURES TAKEN
OF THE INJURIES BUT NEVER OF THE APPOINTUNITY TO SPEAK TO ENTHER ONE.

LATER ON THAT EVENDING AT APPROX 7:00 P.M B:00 P.M. I PLAINTIFF, GOT THE
APPORTUNITY TO SPEAK WITH (LVN) MURSE MCDANNIEL, ABOUT THE DUCEDENT AND
INJURIES I SUSTAINED TO RIGHT HAND THAT TAKEN PLACE EARLIER THAT DAY. DEFENDANT,
(LVN) MCDANNIEL, ACTED UNCONCERN, AND UNCARRING TO MY MEDICAL NEEDS AND JUST
PROVIDED ME WITH A TRIPPLE ANTIBIDITIC OINTMENT PACK AND REFUSED TO FILE
A MEDICAL REPORT (C.D.C.R 7219) AND TO TAKE PICTURES OF THE INJURYS. I HAD
ALSO ASKED IF I CAN SPEAK TO LIEUTENANT OR SERGEANT ON DUTY THAT EVENTING
WHICH I WAS ALSO DENIZED.

THE FALLOWING DAY MONDAY, APRIL 12, 2021 AFTER YARD RECALL OFFICER. I, PEREZ, WAS ESCORTING ME BACK TO MY ASSIGNED CELL# 152 THAT'S LOCATED IN AD-SEC UNIT 2, E-POD, I HAD ASKED OFFICER I. PEREZ, IF HE HAD INFORMED LIEUTENANT OR SEROEANT ABOUT THE ASSAULT BY OFFICER M. GONZALEZ (DEFENDANT) DATED! APPIL II, 2021. OFFICER I. PEREZ, THEN STATED TO ME THAT HE HAD NOT INFORMED OR REPORT MY REQUEST TO EATHER HICHER RANK OFFICER ON DUTY BECAUSE ACCORDING TO HIM HE FELT THAT THE ASSAULT AND BATTERY WAS NOT THAT SERIOUS TO HIM. BASICALLY LET THING ME KNOW THAT HE HAD (WITNESS) THE INCIDENT AND KNEW ABOUT THE DUCDENT THE HOLE TIME. TURNING A BLIND EYE TO THE BATTERY COMITTED BY DEFENDANT, M. GONZALEZ. THEIR IS VIDEO FOOTAGE OF OFFICER I. PEREZ ESCORT BACK INTO ASK 2

ASSIGN CELL # 152 ESCORT OF ME. THAT CAN BE OUTAIN BY KERN VALLEY STATE PRISON!

DEFENDANT (LVN) MCDANNIZEL, WAS AWARE ABOUT MY INJURIES I CHORED AND DENIED

ME MY MEDICAL TREATMENT TO MY INJURIES: SEVERE PAIN, SOREMESS, SWEELING, BREAKAGE

OF SKEN TO DUDGE FINGER, MIDDLE FINGER, AND PINKY KNUCKLE WHICH ALSO CAUSE ALOT

OF EMOTIONAL DISTRESS, DEFENDANT (LVN) MCDANNIEL, ALSO FAILED TO REPORT

THE INCIDENT AND FAILED TO COMPLETE A C.D.C.R 7219 MEDICAL REPORT, AND FAILED

TO TAKE PICTURES OF MY INJURIES.

exhausteun of administrative remedies:

CAUSE OF ACTIONS :

I PLAINTIFF, BUILLERMO TRUJILLO EZUZ, INCORPORATES PARAGRAPHS TUROUGH

DEFENDANT, M. GONZALEZ, APRIL OB- 09, 2019, DURING MORNING 2ND SHIFT AFTER CHOW

AND TRAY PICK UP OFFICER M. GONZALEZ, OBSERVED ME CLEANING MY CELL #159 DOOR

FOOD PORT TRAY SLOT AND IMMEDIATELY WALKED OVER TO MY ASSIGNED CELL#159 THAT'S

LOCATED ON E-POD AND WITH OUT TELLING ME ANYTHING MALICIOUSLY AND SADISTICALLY

SLAMMED FOOD PORT TRAY SLOT DORR ACADNST MY RICHT HAND CAUSING PAIN AND

SWELLING TO THE RICHT HAND PINKY KNUCKLE. WHEN PLAINTIFF, WAS NOT ACTING

DISPUPILY, BREAKING ANY PRISON RULES OR DISORGYING ANY STEEDED CROSES. VICLATING

PLAINTIFF, TRUTTLOS, RICHTS UNDER THE EIGHT AMENDMENT TO THE UNITED STATES

CONSTITUTION AND CAUSE MR. TRUTTLO, SCUERE PAIN, SWELING, BRUTSING, PHYSICAL

THUTURY, AND ENTIONAL DISTRESS.

DEFENDANT, M. GONZALEZ, MALICITUSLY AND SADISTICALLY AGAIN USED EXCESSIVE FORCE

AGAINST I, PLAINTIFF, MR. TRUTILLO, ON APRIL 11, 2021 BY ACAIN SLAMMING CELL # 152

CELL DOOR FOOD PORT REPEATEDLY WHEN MR. TRUTILLO, WAS NOT VIOLATING ANY PRISON

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RULE, NOR ACTING DISRUPTEDLY IN ANYWAY. DEFENDANT, M. CONZALEZ, ACTION VIDLATED AND CONTINUE TO VIOLATE PLAINTIFFS, MR. TRUJELLOS RIGHT UNDER THE eight amenoment to the united states constitution and is causing plaintiff, PAIN, PHYSICAL ENJURY AND EMOTIONAL DISTRESS.

DEFENDANT, M. GONZALEZ, ILLECAL ACTION, FAILING TO CORRECT THAT MISCONDUCT AND HER CONTINUATION OF HER MISCONDUCT, DEFENDANT, M. GONZALEZ, HAS CONTINUE TO VIOLATE PLAINTIFFS, MR. TRUJILLOS, RICHTS UNDER THE EIGHT AMENDMENT TO THE UNITED STATES CONSTITUTION AND CAUSING PLAINTIFF, PAIN, PHYSIZAL INJURY, and emotional distress.

DEFENDANT, M. GONZALEZ, ILLEGAL ACTION'S OF USING EXCESSIVE FORCE, AND THREATS FOR EXCERCISING MY RIGHT'S TO SEEK REDRESS FROM THE PRISON GRIEVANCE SYSTEM, DEFENDANT, M. CONZALEZ, HAS CONTINUE TO RETALIATE AGAINST PLAINTIFF, MR. TRUJILLO, UNLAWFULLY, IN VIOLATION OF PLAINTIFFS MR. TRUJILLOS, RIGHT under the first amendment to the united states constitution, these illegal ACTIONS ARE CAUSING PLAINTIFF, MR. TRUJELLO, INJURY TO ME FIRST AMENDMENT เลรายผาร์ง.

DEFENDANT, (LVN) NURSE MC DANNIEL, WAS IN DELIBERATE INDIFFERENCE TO A SERIOUS MEDICAL NEED OF TREATMENT TO MY INJURIES. IN VIOLATION OF MY RIGHTS UNDER THE EIGHT AMENDMENT TO THE UNITED STATES CONSTITUTION FOR THE DENIAL OF MY MEDICAL CARE WHEN PLAINTIFFS, INJURIES ARE CAUSING SEVEREPAIN, OWELING, BRUISING, AND UNNECESSARY WANTON INFLICTION OF PAIN.

PLAINTIFF, GUILLERMO TRUJILLO CRUZ, HAS NO PLAIN, EDAQUATE OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. PLAINTEFF, MR. TRUJELLO, HAS BEEN AND WILL CONTINUE TO BE IRREPARABLY INJURED BY THE CONTUCT OF THE

I PLAINTIFF, CUILLERMO TRUJILLO CRUZ, HAVE READ THE FOREGOING COMPLAINT AGAINST BOTH DEFENDANTS, AND HEREBY VERIFY THAT THE MATTER'S ALLEGED THEREAN ARE TRUE, EXCEPT AS TO MATTER'S ALLEGED ON DUFORMATION AND BELIEF AND, AS TO THOSE, I BELIEVE THEM TO BE TRUE. I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT DELAND, CALIFORNIA 93216. ON APRIL 30, 2021

Handle Gregor

RESPECTABLLY SUBMETTED,
#AA-2974

GUILLERMO TRUJILLO CRUZ

PELICAN BAY STATE PRISON

P.O. BOX. 7500

CRESCENT CITY, CAL 95532



ADMINISTRATIVE SEGREGATION UNIT PLACEMENT NOTICE

		·	-		-:		
INSTITUTION NAI KVSP-Central Ser		·	INMATE'S NA TRUILLO, GU		o c.	CDC NUMBER AA2974	
REASON(S) FOR PLACEMENT (PART A)							
PRESENTS AN	IMMEDIATE	THREAT TO THE SAFE	TY OF SELF OF	R OTHER	S		
DEOPARDIZES	INTEGRITY	OF AN INVESTIGATIO	N OF ALLEGED	SERIOU	S MISCONDUCT OR CRIMINAL ACTIVI	M	
ENDANGERS	INSTITUTION	SECURITY RE	TAINED IN ASU	AS NO	BED AVAILABLE IN GENERAL POPULAT	ION	
DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT: On Friday, February 3, 2021, you, inmate Guillermo Trujillo (AA2974) arrived at Kern Valley State Prison (KVSP) from Pelican Bay State Prison (PBSP) due to out-to-court proceedings. A review of your Strategic Offender Management System (SOMS) file indicates you are on Maximum Custody Status and have an active Staff Separation Alert regarding Correctional Officer S. Savoie currently employed here at KVSP. Therefore, to ensure your safety, the safety of the staff member, and the safety and security of the institution, you will remain in Administrative Segregation pending Administrative Review, the completion of your court proceedings and return back to your original institution. As a result of this placement, your custody level, privilege group, visiting status, and credit earning status may be subject to change. Inmate Trujillo is not a participant in the Mental Health Delivery System at any level of care and his TABE score is 1.8.							
IF CONFIDEN	TIAL INFORM	ATION USED, DATE I	NFORMATION D	ISCLOS	ED:		
DATE OF ASU PLACEMENT 02/03/2021		SEGREGATION AUTHORITY'S PRINTED NAME E. Contreras			SIGNATURE E. Contreras	· ·	TITLE Lieutenant
DATE NOTICE SERVED				SIGNATURE		STAFF'S TITLE Lieutenant	
		and the first special contraction of the special	ordered Williams Co., more control		Manageric Communication of the	The state of the s	and I may be really be an in the second seco
INMATE REFL	ISED TO SIGN			INMA	ATE SIGNATURE	CDC NUMBER AA2974	
ADMINISTRATIVE REVIEW (PART B) The following to be completed during the administrative review by Captain or higher on the first working day following placement							
STAFF ASSISTANT (SA)				INVESTIGATIVE	EMPLOYEE (IE)		
	IS	THIS INMATE:					
LITERATE?			T YES T	NO	ASU IS FOR DISCIPLINARY REASON	s T	ES NO
					•		

CLASSIFICATION COMMITTEE CHRONO

Inmate Name: TRUILLO, GUILLERMO C.

Date: 02/23/2021

CDC#: AA2974

Date of Birth: 08/13/1980

Control Date: 09/06/2027

Control Date Type: Earliest Possible Release Date

Hearing Date: 02/25/2021

Hearing Type: Initial ASU; OTC/Return; ASU Extension; Other (See

Committee Action Comments)

Committee Institution Cls. Committee Type: (ASU/SHU/THU/PSU-ICC/DPU) Correctional A. Geary

Counselor:

STATIC CASE FACTORS

CRITICAL CASE FACTORS

CLINICIAN COMMENTS

Clinician Review: S is not a participant in the MHSDS at the GP level of care. S's interactions with staff appear to be appropriate. S's placement in alternative levels of care in the Mental Health Services Delivery System was considered and is not recommended. Per S's assigned clinician, S's mental health is unlikely to decompensate while retained in ASU. Present as a member of ICC was Dr. Boyd Bowman

COMMITTEE ACTION SUMMARY

COMMITTEE ACTION 2/25/2021/ OTC /RET ASU/ASU EXT: REFER TO SHU CSR FOR A 90 DAY ASU EXT; RETAIN KVSP ASU PX S'S COURT PROCEEDINGS & RETURN TO PBSP UPON COMPLETION OF OTC; MAX CUST & WG/PG D1D EFF EST S/C; NO NDS.

COMMITTEE COMMENTS

CDC 114D REVIEW: S's CDC 114D is current and accurately documents the reasons for ASU placement. A review of the CDC 114D indicates the document was issued in sufficient detail and S was afforded all the due process requirements.

COMMITTEE NOTES: S was initially placed into Ad. Seg. on 2/3/2021 at KVSP due to arriving from NKSP /PBSP for court proceedings in Kern County. Specifically, S arrived for court proceedings in Kern County for court case and DF012066A as a defendant (noting RVR dated 10/29/2015 for Possession of a Weapon, Log# FA-14-10-035R). A further review of S's case factors notes; Truillo has an active Staff Separation at KVSP.

ICC elects to refer to retain S in ASU due to active Staff Separation Alerts at KVSP IV 180 GP. Upon completion of the court proceedings S will be eligible for transfer back to PBSP IV 180. S next court date is scheduled for 3/4/2021- Readiness trial and 3/15/2021 for trial. At this time, the length of S's court proceedings is unknown; Committee notes S's court proceedings are criminal in nature for RVR dated 4/17/2017 for Battery on Peace Officer, therefore ICC elects not to grant NDS at this time. Establish MAX custody D1D.

MEDICAL/MENTAL HEALTH STATUS: S's medical status has been reviewed and S has no housing restrictions. S is Full Duty/Medium Risk per MCC dated 2/23/2021. Per IHA dated 12/6/2017 S is at the GP mental health level of care.

CONFIDENTIAL FILE: Reviewed and noted. S's CDC Notification of death, serious illness, serious injury, Classification scoresheets and COSA /OSA have been reviewed and updated.

CELL REVIEW: Committee notes S is currently Single Cell status based on being the victim of a Battery on Inmate with a Weapon at SATF on 11/1/13 by 2 inmates whom entered his cell and stabbed him several times. S was also the victim of a Battery at HDSP on 8/11/16. PBSP-UCC determined S should remain single celled. Therefore, ICC elects to continue S on Single Cell status while housed in KVSP-ASU and Single Cell upon return to PBSP.

YARD REVIEW: Committee elects to place S on W/A yard.

CASE FACTORS: VIO Reviewed affixed by UCC on 8/27/13 due to Instant Offense. BPH: N/A; EPRD 11/29/2027.

PREA: S was interviewed during today's ICC and asked if S had any new, relevant information related to PREA which has come to light since S's intake interview. S stated that he did not.

EFFECTIVE COMMUNICATION: Assigned as staff assistant is C/O P. Medina, based on S's RL below 4.0. A pre-committee conference at cell front was conducted at least 24 hours prior to ICC. During pre-committee conference, effective communication was established by using simple English spoken clearly and slowly. S reiterated in his own words what was explained to him and appropriately answered questions asked of him. Effective communication was achieved based on S's manner and interaction which indicated he understood.

Page 14 of 218 JUN 1 1 2019 0121-1037-2019 ETTER COMPLAINT CAINST CORRECTIONAL OFFICER HREATÓ LIND BATTERY WITH LIN WBJECT CELL J ATTER AND BOVE DATES: APRIL 08, 2019 AND DURING - ER MORNING VERBAL HREATS ABOUT Dy ELLING HEM TO GET AE (SATTERED) IN KETALIATION FOR FILING 602 GREEVANCES A NO ! ER. HE FALLOWING DAY PRIL 09, 2019 FLOAIN I ATCH SHIFT LIND CHOW LASSED ONT LIGHT CAIN HREAT'S / BOUT ME; DUT HIS YME DHE WAS INFORMING DESERVATION OWERS OUT ON F I SE INVOLVED IN KINY PHYSICAL A DUNINERS HAT DISTURBANCE OUT ON HE MAIN JARD O Time AND SHOOT NE WITH THE SLOCK CON TO SECOMES OFFICER SONTALEZ, VIOLATION 3004 (b) LIGHT'S AND KESPECT OF OTHERS. HAT SAME HOW AND RAY PECK OFFICER N P LOOD TRAYS WHEN SHE WISSERVE ! DOOR IND IMMEDIATELY WALKED DOD LIND WITH OUT ELLING MEA 22 NO DADISTICALLY DLAMMED HE FOOD PORT DOOR A CARNIST ! 23 AUSTING AIN AND SWELLING & HE ZICHT LINKY _ IMMEDIATELY _ - BOVE _ - ER CO. WORKER CERVANTEZ HERE SOTH OFFICER CERVANTER / FOICAL / TTENTION ME WITH A FZ JU E DE

Case 1:22-cv-00177-AWI-CDB Document 1 Filed 02/10/22 Page 15 of 218

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.2	LIE CHANFUL MISCONDUCT. LATER WAT SAME DAY I ASK OFFICER
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5	FILE A COMPLAINT AND DENIED ME HE FORM'S PESONESTED.
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7	HEREFORE REWRITE YOUR INVESTIGATION (NIT) TAFF O CHESTION BOUT IF HEIR WAS EVER AN INVESTIGATION CONDUCTED ABOUT
В	OFFICERS M. GONZALEZ, CERVANTEZ, AND NORSE ORTIZ WLAWFULL
9	I SCONDUCT LIND NOT REPORTING HE INCIDENT & LICHER LANK
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28

CLAIMANT APPEAL CLAIMS DECISION RESPONSE

Re: Appeal Claims Decision Response

Offender Name: TRUILLO, GUILLERMO C

CDC#: AA2974

Current Location: PBSP-Facility B

Date: 12/08/2021

Current Area/Bed: B 003 1 - 116001L

Log #: 000000166798

Claim # 001

Institution/Parole Region of Origin: Pelican Bay State Prison

Facility/Parole District of Origin: PBSP-Facility B

Housing Area/Parole Unit of Origin:

Category: Offender Safety and

Sub-Category: Use of Force

Security

I. ISSUE ON APPEAL

You are appealing the Office of Grievances' rejection of this claim as untimely.

II. RULES AND REFERENCES

A. CONTROLLING AUTHORITY

Title 15, subsections 3482(b) and 3487(a)(1).

B. DOCUMENTS CONSIDERED

CDCR Form 602-1 and 602-2.

III. REASONING AND DECISION

The Office of Appeals finds that this claim was properly rejected as untimely. This claim concerns your contention that Kern Valley State Prison lost a grievance you submitted on or about April 11, 2021. Pursuant to Title 15, subsection 3483(f), the Office of Grievances is required to send you a grievance acknowledgement letter within 14 calendar days of receiving a grievance. Since you did not receive a grievance acknowledgement letter within 14 calendar days, it is reasonable to conclude that you were aware of this issue on or about April 25, 2021. Yet, you did not submit this claim until September 20, 2021. You should have submitted your claim on or by May 24, 2021 to meet the 30-calendar day time limit set forth in Title 15, sections 3482(b) and 3487(a)(1). Therefore, this claim is denied.

It is also important to note that although this claim was appropriately rejected as untimely, Pelican Bay State Prison also reassigned this claim to Kern Valley State Prison since this issue occurred at Kern Valley State Prison. Records reflect that Kern Valley State Prison rejected this same claim as untimely under log numbers 168160 and 172720, and you had the ability to appeal those rejections with this office.

IV. REMEDY

Your claim has been denied. Therefore, there is no applicable remedy.

Decision: Denied

After a thorough review of all documents and evidence available at the time of this written decision, it is the order of the Office of Appeals that this claim is denied. This decision exhausts the administrative remedies available to the claimant within CDCR.

1.

Case 1:22-cv-00177-AWI-CDB Document 1 Filed 02/10/22 Page 17 of 218

Staff Signature	Title	Date/Time
C. Rojas [ROCY016]	AW	12/07/2021

Page 1 of 2

Case 1:22-cv-00177-AWI-CDB Document 1 Filed 02/10/22

Page 18 of 218

APPEAL OF GRIEVANCE CDCR 602-2 (03/20)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

STAFF USE ONLY		Date Received:
Claimant Name:	TRUTTELLO CRUZ	CDCR #: #AA-2974
Current Housing/Parole Unit: <u></u>	<i>B-B5-205</i> Ins	stitution/Facility/Parole Region: P. B. 5. P
There are no claims that can		REC BY GOA
Claim #s:		001 13 2021
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DISTRIBUTION

Original: Claimant's File

Copies: DAI, DAPO, and Claimant,

Page 2 of 2

Case 1:22-cv-00177-AWI-CDB

Document 1

Filed 02/10/22

Page 19 of 218

STATE OF CALIFORNIA

APPEAL OF GRIEVANCE CDCR 602-2 (03/20)

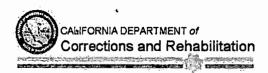
DEPARTMENT OF CORRECTIONS AND REHABILITATION

Claim #:	•
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Danish dan Blaza and J. B. L	
Reminder: Please attach all documents in your possession that support your cla	aim(s).
Please note that this form and supporting documents will not be returned to you	•
Claimant Signature: Dunkin Buyth	Date Signed: ○グーゴン - ユッカノ

MAIL TO:

Office of Appeals
Department of Corrections and Rehabilitation
P.O. Box 942883
Sacramento, CA 95811



CLAIMANT GRIEVANCE CLAIMS DECISION RESPONSE

Re: Grievance Claims Decision Response

Offender Name: TRUILLO, GUILLERMO C

CDC#: AA2974

Current Location: PBSP-Facility B

Date: 09/22/2021

Current Area/Bed: B 005 2 - 205001L

Log #: 000000166798

Claim #: 001

Institution/Parole Region of Origin: Pelican Bay State Prison

Facility/Parole District of Origin: PBSP-Facility B

Housing Area/Parole Unit of Origin:

Category: Offender Safety and Security

Sub-Category: Use of Force

The California Department of Corrections and Rehabilitation (CDCR) Office of Grievances at PBSP-Facility B has received your claim.

Your claim is being rejected by Office of Grievances for the reason(s) indicated below.

This serves as your response by the Office of Grievances. If you are dissatisfied with this response, you may appeal the rejection decision to CDCR's Office of Appeals.

Do not resubmit this claim to the Office of Grievances at PBSP-Facility B.

Decision: Rejected

You did not submit the claim within the timeframe required by California Code of Regulations, title 15. The date you discovered the adverse policy decision, action, condition, or omission by the Department was 4/11/2021; the date you submitted this claim was 9/20/2021. You should have submitted your claim on or by 5/11/2021 to meet the 30 calendar day requirement set forth in the -regulations:

Claim #: 002

Institution/Parole Region of Origin: Pelican Bay State Prison

Facility/Parole District of Origin: PBSP-Facility B

Housing Area/Parole Unit of Origin:

Category: Offender Safety and Security

Sub-Category: Use of Force

Our office reassigned your claim concerning Offender Safety and Security; Use of Force to the Office of Grievances at Kern Valley State Prison.

The Office of Grievances at Kern Valley State Prison will provide a response to your claim on or before 11/21/2021.

Once you receive a response from Kern Valley State Prison and if you are dissatisfied with the decision, you may file an appeal with the California Department of Corrections and Rehabilitation Office of Appeals.

Decision: Reassigned

OOG ACKNOWLEDGMENT OF RECEIPT AND CLOSURE OF GRIEVANCE

Offender Name: TRUILLO, GUILLERMO C.

CDC#: AA2974

Date: 09/21/2021

Current Location: PBSP-Facility B

Current Area/Bed: B 005 2205001L

21

From: Office of Grievances at Pelican Bay State Prison

Re: Log # 000000166798

The California Department of Corrections and Rehabilitation Office of Grievances at Pelican Bay State Prison received your grievance on 09/21/2021. Your grievance has not been assigned for review and response because your claim(s) is being handled as specified below.

Claim # 001:

Your claim concerning Offender Safety and Security; Use of Force is being rejected by Office of Grievances for the reason(s) indicated below:

You did not submit the claim within the timeframe required by California Code of Regulations, title 15. The date you discovered the adverse policy decision, action, condition, or omission by the Department was 04/11/2021; the date you submitted this claim was 09/20/2021. You should have submitted your claim on or by 05/11/2021 to meet the 30 calendar day requirement set forth in the regulations.

This serves as your response by the Office of Grievances. If you are dissatisfied with this response, you may appeal the rejection decision to CDCR's Office of Appeals.

Do not resubmit this claim to the Office of Grievances at Pelican Bay State Prison.

Claim # 002:

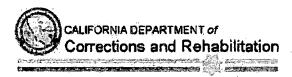
Our office reassigned your claim concerning Offender Safety and Security; Use of Force to the Office of Grievances at Kern Valley State Prison.

The Office of Grievances at Kern Valley State Prison will provide a response to your claim on or before 11/21/2021.

Once you receive a response from Kern Valley State Prison and if you are dissatisfied with the decision, you may file an appeal with the California Department of Corrections and Rehabilitation Office of Appeals.

CDCR SOMS OGTT300 OOG ACKNOWLEDGMENT OF RECEIPT AND CLOSURE OF GRIEVANCE

CDCR SOMS OGTT300 - OOG Offender Grievance Receipt Acknowledgement



OOG CLAIM REASSIGNMENT NOTICE

To: Kern Valley State Prison Office of Grievances

Address: P.O. Box 3130 Delano, California 93216

From: Office of Grievances at Pelican Bay State Prison

Re: OOG Claim Reassignment Notice

Offender Name: TRUILLO, GUILLERMO C.

CDC#: AA2974

Date: 09/21/2021

Current Location: PBSP-Facility B

Current Area/Bed: B 005 2205001L

Re: Log # 000000166798

Claim #: 002

The California Department of Corrections and Rehabilitation Office of Grievances at Pelican Bay State Prison received a claim concerning Offender Safety and Security; Use of Force from the claimant referenced above on 09/21/2021. This claim is being reassigned to your grievance office at Kern Valley State Prison. Please process this claim as you would if it was received directly from the claimant. Our office will notify claimant of the reassignment using the acknowledgement letter.

Please provide the claimant with a response to this claim on or before 11/21/2021.

If you have any questions, please contact the Office of Grievances at Pelican Bay State Prison.

CDCR SOMS OGTT312 OOG CLAIM REASSIGNMENT NOTICE

Page 23 of 218

EMERGENCY

DEPARTMENT OF CORRECTIONS AND REHABILITATION

STATE OF CALIFORNIA INMATE/PAROLEE APPEAL CDCR 602 (Rev. 03/12)

				Side 1
IAB USE ONLY	Institution/Parole Region:	Log #:	Category:	
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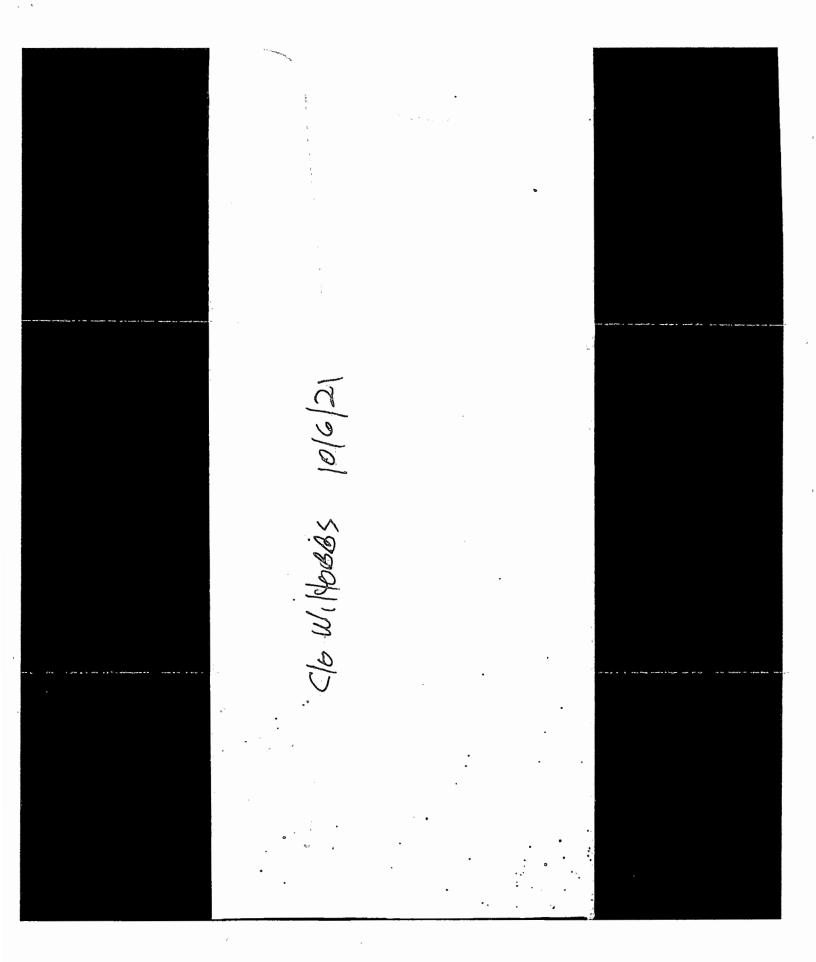
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adverse effect upon yo Regulations (CCR), Title lays of the event that le	our welfare and for version 3084.1. d to the filing of this a	which there is no oth You must send this ppeal. If additional sp	appeal and any supporting do	artmental review/remedy av- ocuments to the Appeals Co-	allable. See California Code of ordinator (AC) within 30 calendared. Refer to CCR 3084 for further
Appeal is subject to	rejection if one row	of text per line is ex			CLEARLY in black or blue ink.
Name (Last, First):	GUZLLER	MO CRUZ	FA A · 2974	Unit/Cell Number: FI3-I35-#205	Assignment:
State briefly the subi	ect of your appeal (Example: damaged 1	V, job removal, etc.):		
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STATE OF CALIFORNIA INMATE/PAROLEE APPEAL FORM ATTACHMENT CDCR 602-A (REV. 03/12)		DEPAF	RTMENT OF CO	RRECTIONS AND REHAE	ilitatio Side 1
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Attach this form to the CDCR 602, only if more space is needed.	Only one CDCR (602-A may be	nged		
Appeal is subject to rejection if one row of text per line is exceeded.	WRITE, PRINT, or	•		blue ink.	
Name (Last, First);	CDC Number:	Unit/Cell Number:		Assignment	
TRUJELLO, GUILLERMO CRUZ	#AA . 2474	FB-85	7-205	NIA	
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Name Franka Elika Healtha alkaz COMERDONAL のDOR#: MA: 3479 Unit #: エジー 85: SEVERATED MAIL STATE PRISON CRESCENT CITY, CA 95532-7000 PELICAN BAY STATE PRISON P.O. BOX 7500 PRINCERY BUY STATE PRINCEN SES Cel来 # 205 DEPENDENTAGELY OF OURSELF THOUSE HIS RECENCEDENTAGE ortice or appears MASS TWO GENERALINES 6.888. 042883 100 CO 201 Tečoposta:

Case 1:22-cv-00177-AWI-CDB Document 1 Filed 02/10/22 Page 26 of 218



CLAIMANT GRIEVANCE CLAIMS DECISION RESPONSE

Re: Grievance Claims Decision Response

Offender Name: TRUILLO, GUILLERMO C

CDC#: AA2974

PAZ374

Current Location: NKSP-Facility B

AZ-118

Date: 11/20/2021

Current Area/Bed: B 002/2 - 243001L

Log #: 000000167324

Claim #: 001

Institution/Parole Region of Origin: Kern Valley State Prison

Facility/Parole District of Origin: KVSP-Facility Z02

Housing Area/Parole Unit of Origin:

Category: Offender Safety and Security

Sub-Category: Use of Force

The California Department of Corrections and Rehabilitation (CDCR) Office of Grievances at KVSP-Central Service received your claim on 09/21/2021.

California Code of Regulations, title 15, provides CDCR Office of Grievances 60 calendar days to complete a response.

Although 60 calendar days have passed since your claim concerning Offender Safety and Security; Use of Force was received, your claim is still under inquiry or investigation. Due to the expiration of time, this response by the Office of Grievances will be the only response.

You will be notified once the inquiry or investigation of the issue concerning your claim has been completed, but the notification will be outside of the timeframe of the Grievances and Appeals Process. You do not need to resubmit this claim to CDCR.

Decision: Under Investigation

Filed 000000/22

Page 28 of 218

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL
CDCR 602 (Rev. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

IAB USE ONLY Institution/Parole Region: Log # Category:

You may appeal any California Department of Corrections and Rehabilitation (CDCR) decision, action, condition, policy or regulation that has a material adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of Regulations (CCR), Title 15, Section 3084.1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the event that led to the filling of this appeal. If additional space is needed, only one CDCR Form 602-A will be accepted. Refer to CCR 3084 for further guidance with the appeal process.

Appeal is subject to rejection if one row of text per line is exce	eded.	WRITE, PRINT, OF TYPE	CLEARLY in black or blue ink.
Name (Last, First): TRUJELLO GUELLERMO CRUZ	CDC Number #A A : 2974	Unit/Cell Number: FB-I35-*205	Assignment:
State briefly the subject of your appeal (Example: damaged TV	, job removal, etc.):		
LOST STOLEL, OR DESTROYED 602			
A. Explain your issue (if you need more space, use Section A	of the CDCR 602-A):	THE ABOVE DATE	
APRIL 11 2021 I SUBMITTED A C.D.C.R 602.	AGAINST OFFICER	M.GONZALEZ FOR	
BATTERY UPON ME WHILED CONFINED AND H	IOUSED AT KUSP A	SUZE POD, CELL	- Mary
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Supporting Documents: Refer to CCR 3084.3.			O
Yes, I have attached supporting documents.			
List supporting documents attached (e.g., CDC 1083, Inmate Prope	rty Inventory; CDC 128-G, C	lassification Chrono):	
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☐ No, I have not attached any supporting documents. Reason :_			A Company
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Inmate/Paroles Signature:	Date Submitted:	09-20-21	Ø
By placing my initials in this box, I waive m			
C. First Level - Staff Use Only	Staff - Check	One: Is CDCR 602-A Attac	hed? Yes No
This appeal has been			
☐ Bypassed at the First Level of Review. Go to Section E. ☐ Rejected (See attached letter for instruction) Date:	Date:	Date:	Date:
☐ Cancelled (See attached letter) Date: ☐ Accepted at the First Level of Review.			
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First Level Responder: Complete a First Level response. Include In	asi da asi salasi daki	Silver a kitti tir dan ilberi irak e in arinda.	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1
Date of Interview:	Interview Location	with the expression of	Total file application
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STATE OF CALIFORNIA INMATE/PAROLEE APPEAL FORM ATTACHMENT CDCR 602-A (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

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STATE OF CALIFORNIA Case 1:22-CV-00177-AWI-CDB APPEAL OF GRIEVANCE CDCR 602-2 (03/20)

Document 1

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Page 1 of 2

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State of California

Department of Corrections and Rehabilitation

Memorandum

Date

December 29, 2021

To

Truillo, AA2974

B3-116

Pelican Bay State Prison

Subject:

GRIEVANCE CLAIM DECISION RESPONSE LOG #167324

Claim #001 & # 002:

You allege on April 11, 2021, an officer at Kern Valley State Prison (KVSP) slammed the cell food port tray slot against your right hand three times, full force causing swelling, bruising, pain, breaking the skin on your index finger, middle finger and severe swelling to the knuckle. You further claim you were denied medical attention. You claim you submitted a CDCR 602-1 at KVSP on April 11, 2021 that was never forwarded for processing to KVSP Office of Grievances to cover up the incident. You believe third watch staff destroyed your grievance in order to cover up staff misconduct.

Reasoning and Decision:

Based upon the severity of the allegations, the Hiring Authority at KVSP elected to refer this allegation to the Office of Internal Affairs, Allegation Inquiry Management Section (AIMS) to conduct a Grievance Allegation Inquiry. AIMS accepted the referral and issued Log # C-AIMS-KVSP-2642-21. Correctional Lieutenant J. Gingras conducted the AIMS Grievance Allegation Inquiry. During the course of the inquiry, staff and inmates were interviewed.

A Grievance Allegation Inquiry Report was submitted to the Hiring Authority for review and determination. Based on a review of the AIMS Allegation Inquiry Report, the above referenced documents, staff and inmate interviews, the allegation of staff misconduct was deemed unsubstantiated. Staff did not violate California Department of Corrections and Rehabilitation policy or procedure.

After a thorough review of all documents including the evidence presented at the Office of Grievance (OOG) Level, it is the order of the OOG to DISAPPROVE this claim.

A. LEYVA Grievance Coordinator

Kern Valley State Prison

R. CARRIEDO

Chief Deputy Warden Kern Valley State Prison DIVISION OF ADULT INSTITUTIONS KERN VALLEY STATE PRISON P.O. Box 3130 Delano, CA 93216-3130



October 4, 2021

Truillo, AA2974 B5-205 Pelican Bay State Prison

Inmate Truillo:

This is in response to your correspondence, dated July 25, 2021, addressed to Office of Internal Affairs (OIA). You claim on April 11, 2021 staff utilized use of force on you and you were denied medical attention. A review of your grievance listing in Strategic Offender Management System (SOMS) indicates Kern Valley State Prison (KVSP) Office of Grievances (OOG) received a grievance from regarding your allegations on September 21, 2021, Grievance Log # 167324. Due to the nature of the allegation, it was referred to the Office of Internal Affairs, Allegation Inquiry Management Section (AIMS). Your response is due on November 21, 2021.

It is important to note that the filing of a letter does not meet the criteria of the Prison Litigation Reform Act for exhausting administrative remedies. If you have concerns regarding any issue having a material adverse effect upon your welfare, you may submit a CDCR 602-1 directly to KVSP OOG as prescribed in Section 3487 of the CCR and Section 54100 of the Departmental Operations Manual (DOM).

If you wish to file a grievance regarding the issue(s) you have raised, the CDCR 602-1 must be received by the appropriate Grievance Coordinator within prescribed time constraints from the date of the issue you are appealing, as all grievances, are subject to time frames as specified in the CCR and DOM. In the event you have exceeded time constraints, appropriate administrative action may be taken; however, the matter cannot be appealed and pursuant to the regulations, you will not be advised of the outcome.

For further information, you may refer to the CCR and DOM which are available in the law library. Failure to follow these regulations may result in your appeal being rejected.

A. Leyva

Grievance Coordinator Kern Valley State Prison

cc: C. Pfeiffer, Warden

EXHIBIT A

STATE OF CALIFORNIA

DEPAR IMENT OF CORRECTIONS AND REHABILITATION OFFICE OF APPLALS

P O BOX 942883
SACRAMENTO, CA 94283-0001

THIRD LEVEL APPEAL DECISION

IAN 3 1 2017

Date: In re:

Guillermo Truillo, AA2974 Pelican Bay State Prison P.O. Box 7000 Crescent City, CA 95531-7000

TLR Case No.: 1600964 Local Log No.: KVSP-16-01888

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner T. Lee, Captain. All submitted documentation and supporting arguments of the parties have been considered.

- I APPELLANT'S ARGUMENT: It is the appellant's position that on May 10, 2016, Correctional Officer (CO) M. Gonzalez sexually harassed the appellant during the routine checks by trying to get the appellant to expose himself. The appellant contends the behavior is ongoing. The appellant asserts he does not want to comply with CO Gonzalez's orders. The appellant states when he does not comply with the orders. CO Gonzalez makes threats to have the appellant assaulted. The appellant requests the Office of Inspector General investigate this matter and for CO Gonzalez to cease her threats.
- II SECOND LEVEL'S DECISION: The Second Level of Review (SLR) identified and addressed the appellant's allegations of staff misconduct. The reviewer documented that an appropriate supervisory staff member was assigned to conduct an inquiry into this matter. The inquiry included a review of the evidence and an evaluation of any interview conducted. In order to determine the facts, the inquiry also included a review of pertinent documents, current policies, laws, and procedures. The SLR noted that all staff personnel matters are confidential in nature, and that the appellant would only be notified whether the actions of staff were or were not in compliance with policy. The SLR found that the staff did not violate policy as alleged. The SLR partially granted the appeal in that an inquiry was conducted.

III THIRD LEVEL DECISION: Appeal is denied.

A. FINDINGS: Upon review of the documentation submitted, the Third Level of Review (TLR) finds that the appellant's allegations were appropriately reviewed and evaluated by administrative staff. The TLR notes that all staff personnel matters are confidential in nature and will not be disclosed to other staff, the inmate population, the general public, or the appellant. The appellant was informed that if the conduct of staff was determined to not be in compliance with policy, the institution would take the appropriate course of action. In this case, the SLR informed the appellant that an inquiry was completed and disclosed the determination of the inquiry to the appellant. The TLR reviewed the confidential inquiry and concurs with the determination of the SLR. The TLR notes that, while the appellant has the right to submit an appeal as a staff complaint, requests for: administrative action regarding staff; the placement of documentation in a staff member's personnel file; to reprimand staff; to remove staff from a position; and or requests for monetary compensation are beyond the scope of the appeals process. The TLR finds the institution's response complies with departmental policy, and the appellant's staff complaint allegations were properly addressed. Therefore, no further relief shall be afforded at the TLR.

The appellant has added new issues and requests to his appeal. The additional requested action is not addressed herein as it is not appropriate to expand the appeal beyond the initial problem and the initially requested action (CDC Form 602, Inmate Parolee Appeal Form, Sections A and B).

B. BASIS FOR THE DECISION:

California Penal Code Section: 832.5, 832.7, 832.8

California Code of Regulations, Title 15, Section: 3000, 3001, 3004, 3084.1, 3270, 3380, 3391

C. ORDER: No changes or modifications are required by the Institution.

Case 1:22-cv-00177-AWI-CDB

Document 1

Filed 02/10/22

Page 36 of 218

GUILLERMO TRUILLO, AA2974 CASE NO. 1600964 PAGE 2

This decision exhausts the administrative remedy available to the appellant within CDCR.

T. LEE, Appeals Examiner Office of Appeals

cc: W

Warden, PBSP

Appeals Coordinator, PBSP Appeals Coordinator, KVSP

M. VOONG, Chief Office of Appeals

Office of Appeals

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL

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STATE OF CALIFOUNIA
INMATE/PAROLEE APPEAL
CDCR 602 (REV. 08/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

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Filed 02/10/22

Page 40 of 218

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 2

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT CDCR 602-A (08/09)

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F. Continuation of CDCR 602. Section Flonty (Dissatisfied with Second Level response).

Inmate/Parolec Signature:

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Template Date 4/4/2012 State of California Attachment E-1
Department of Corrections and Rehabilitation

Memorandum

Date

July 1, 2016

То

Trujillo, AA2974

Kern Valley State Prison, ASU2, Cell 134

Subject:

STAFF COMPLAINT RESPONSE - APPEAL # KVSP-O-16-01888 SECOND LEVEL RESPONSE

APPEAL ISSUE: You allege that on May 10, 2016, during morning hours, Officer M. Gonzaiez (Administrative Segregation Unit 2 Officer) approached your cell in order to complete a welfare check. You claim Officer Gonzalez stated, "Show me what you have between your legs. I want to see now big you are." You allege you did not respond to Officer Gonzalez's comment; however, you were disturbed by her request. You allege Officer Gonzalez threatened to have you assaulted if you did not comply with her request to expose yourself to her.

DETERMINATION OF ISSUE: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal is:

Being processed as an Appeal Inquiry.

You were interviewed by ISU Lieutenant P. Chanelo at the Second Level of Review. Your appeal is PARTIALLY GRANTED in that:

The <u>Appeal inquiry</u> is complete/ has been reviewed and all issues were adequately addressed.

The following witnesses (es) were questioned: No witnesses were interviewed.

The following information was reviewed as a result of your allegations of staff misconduct. All CDCR 602 inmate Appeal Form KVSP-O-16-01868, and Confidential Memorandum, dated June 14, 2016, authored by ISU Lieutenant P. Chanelo.

Staff: *did not* \boxtimes violate CDCR policy with respect to one or more of the issues appealed.

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE.

- As such, the details of any inquiry will not be shared with staff, members of the public, or offender appellants.
- Although you have the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process. A variety of personnel actions may be initiated by the Department based upon the

Document 1

Filed 02/10/22

Page 42 of 218

Template Date 4/4/2012

Attachment E-1

Page 2

content of your complaint and the outcome of any investigation or inquiry conducted as a result of your complaint.

• Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process.

If you wish to appeal the decision and/or exhaust administrative remedies, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's/Third Level of Review. Once a decision has been rendered at the Third Level, administrative remedies will be considered exhausted.

Print: P. Chanelo

Sign

Date: 07/1/16

Interviewer

Print: (), (())

Sign:

Date:

Page 43 of 218

ETHTE OF CALIFORNIA RIGHTS AND RESPONSIBILITY STATEMENT DE DE 1866 (Rev. 1966)

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RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections and Renabilitation has added the department intiguings (about inside precisels, in non-bodiace (ygu) for clarification purposes.

Pursuant to Penal Code 148.6, anyone wishing to file, an allegation of misconduct by a departmental peace officer must read, sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER (this includes a departments' reade officer). FOR ANY IMPROPER POLICE (or peace) OFFICER CONDUCT, CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' for immates/pardiess'! COMPLAINTS, YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE, THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN (or inmaterparates) COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

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State of California
CDC FORM 695
Screening For:
CDC 602 Immate Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level.

Thursday, June 16, 2016

TRUILLO, AA2974 Z02001C1134001LP

STAFF COMPLAINTS. Sexual misconduct, 06/13/2016

Log Number: KVSP-O-16-01888

(Note: Log numbers are assigned to all appeals for tracking purposes. Your appeal is subject to cancellation for failure to correct noted deficiencies.)

The enclosed documents are being returned to you for the following reasons:

AO Other

This appeal has been accepted as a Staff Complaint. As a reminder, per CCR 3084.9 Staff Complaints shall not be combined with other appeal issues. If you have included other appeal issues within this Staff Complaint, you must re-submit those appeal issues on a separate CDCR 602; they will not be addressed in the Staff Complaint Response. Examples of other appeal issues may include but are not limited to: RVR, property, mail, classification, job assignment, ADA, etc.

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Be advised that you cannot appeal a rejected appeal, but should take the corrective action necessary and resubmit the appeal within the timeframes specified in CCR 3084.6(a) and CCR 3084.8(b). Pursuant to CCR 3084.6(e), once an appeal has been cancelled, that appeal may not be resubmitted. However, a separate appeal can be filed on the cancellation decision. The original appeal may only be resubmitted if the appeal on the cancellation is granted.

NOTE THIS CDCR 695 IS A PERMANENT APPEAL ATTACHMENT AND IS NOT TO BE REMOVED

STATE OF CALIFORNIA —DEPARTMENT OF CORRECTIONS AND REHABILITATION

EDMUND G BROWN JR , GOVERNOR

OFFICE OF APPEALS

1515 S Street, Sacramento, CA 95814 P O Box 942883 Sacramento, CA 94283-0001



December 23, 2016

TRUILLO, GUILLERMO, AA2974 Pelican Bay State Prison P.O. Box 7000

Crescent City, CA 95531-7000

MAILED

DEC 3 0 2018

RE: TLR# 1600964 KVSP-16-01888 STAFF COMPLAINTS

The Office of Appeals, California Department of Corrections and Rehabilitation (CDCR) acts as the third level of review as established in California Code of Regulations (CCR) Title 15, Article 8. The Office of Appeals examines and responds to inmate and parolee appeals, after the institution or parole region has responded at the Second Level of Appeal.

Your appeal has been rejected pursuant to the California Code of Regulations, Title 15, Section (CCR) 3084.6(b)(7). Your appeal is missing necessary supporting documents as established in CCR 3084.3. All documents must be legible (If necessary, you may obtain copy(ies) of requested documents by sending a request with a signed trust withdrawal form to your assigned counselor). Your appeal is missing:

CDCR Form 1858, Rights and Responsibilities Statement

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M. VOONG, Chief Office of Appeals

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STATE OF CALIFORNIA —DEPARTMENT OF CORRECTIONS AND REHABILITATION

EDMUND G BROWN JR, GOVERNOR

OFFICE OF APPEALS

15.5 S Street, Sacramento, CA 95814 P.O. Box 942883 Sacramento, CA 94283-0001 OCCUPATIONS 40 PERSONAL PROPERTY OF CALIFORNIA

August 11, 2016

MAILED AUG 1 2 2016

TRUILLO, GUILLERMO, AA2974 High Desert State Prison P.O. Box 270220 Susanville, CA 96127

RE: TLR# 1600964 KVSP-16-01888 STAFF COMPLAINTS

The Office of Appeals, California Department of Corrections and Rehabilitation (CDCR) acts as the third level of review as established in California Code of Regulations (CCR) Title 15, Article 8. The Office of Appeals examines and responds to inmate and parolee appeals, after the institution or parole region has responded at the Second Level of Appeal.

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CDCR Form 1858, Rights and Responsibilities Statement

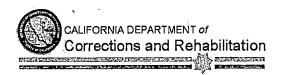
M. VOONG, Chief

Office of Appeals

Be advised that you cannot appeal a rejected appeal, but should take the corrective action necessary and resubmit the appeal within the timeframes specified in CCR 3084.6(a) and CCR 3084.8(b). Pursuant to CCR 3084.6(e), once an appeal has been cancelled, that appeal may not be resubmitted. However, a separate appeal can be filed on the cancellation decision. The original appeal may only be resubmitted if the appeal on the cancellation is granted.

3004. Rights and Respect of Others.

- (a) Instates and parolees have the right to be treated respectfully, impartially, and fairly by all employees. Inmates and parolees have the responsibility to treat others in the same manner. Employees and inmates may use first names in conversation with each other when it is mutually acceptable to both parties.
- (b) Inmates, parolees and employees will not openly display disrespect or contempt for others in any manner intended to or reasonably likely to disrupt orderly operations within the institutions or to incite or provoke violence.
- (c) Inmates, parolees and employees will not subject other persons to any form of discrimination because of race, religion, nationality, sex, political belief, age, or physical or mental handicap. HISTORY:
 - 1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).



CLAIMANT GRIEVANCE CLAIMS DECISION RESPONSE

Re: Grievance Claims Decision Response

Offender Name: TRUILLO, GUILLERMO C

CDC#: AA2974

Current Location: PBSP-Facility B

Date: 10/07/2021

Current Area/Bed: B 005 2 - 205001L

Log #: 000000169892

Claim #: 001

Institution/Parole Region of Origin: Pelican Bay State Prison

Facility/Parole District of Origin: PBSP-Facility B

Housing Area/Parole Unit of Origin:

Category: Offender Resources

Sub-Category: Other Resources - NOS

Our office reassigned your claim concerning Offender Resources; Other Resources - NOS to the Office of Grievances at Kern Valley State Prison.

The Office of Grievances at Kern Valley State Prison will provide a response to your claim on or before 11/29/2021.

Once you receive a response from Kern Valley State Prison and if you are dissatisfied with the decision, you may file an appeal with the California Department of Corrections and Rehabilitation Office of Appeals.

Decision: Reassigned

Filed 0200/22

Page 49 of 218

DEPARTMENT OF CORRECTIONS AND REHABILITATION

STATE OF CALIFORNIA INMATE/PAROLEE APPEAL CDCR 602 (REV. 03/12)

Side 1

IAB USE ONLY | Institution/Parole Region: Log #: Category:

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You may appeal any California Department of Corrections and Radverse effect upon your welfare and for which there is no othe Regulations (CCR), Title 15, Section 3084.1. You must send this adays of the event that led to the filling of this appeal. If additional spanitudence with the appeal process. No reprisals will be taken for using the content of the section of	er prescribed method of a appeal and any supporting ace is needed, <u>only</u> one CL	lepartmental review/remedy av	or regulation that has a materia allable. See California Code o
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Case 1:22-cv-00177-AWI-CDB Document 1 Filed 02/10/22 Page 50 of 218

STATE OF CALIFORNIA INMATE/PAROLEE APPEAL CDCR 602 (REV. 03/12)

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Case 1:22-cv-00177-AWI-CDB

Document 1 Filed 02/10/22 Page 51 of 218

STATE OF CALIFORNIA INMATE/PAROLEE APPEAL FORM ATTACHMENT CDCR 602-A (REV. 03/12)

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Attach this form to the CDCR 602, only if more space is needed. Appeal is subject to rejection if one row of text per line is exceeded.		602-A may be used.	or blue ink.
Name (Last, First): TRUJTLLO, GUILLERMO CRUZ	CDC Number: 44 - 2974	Unit/Cell Number:	Assignment:
A. Continuation of CDCR 602, Section A only (Explain your issue) :	Госнузм ба г	THE TO MY ISSENT	
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Inmate/Parolee Signature:	Date Sub	omitted: <u>09 - 27 - 2</u>	
B. Continuation of CDCR 602, Section B only (Action requested): A			
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Inmate/Parolee Signature:		Date Submitted:	09-27-21

STATE OF CALFORNA 1:22-CV-00177-AWI-CDB INMATE/PAROLEE APPEAL FORM ATTACHMENT CDCR 602-A (REV. 03/12)

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D. Continuation of CDCR 602, Section D	only (Dissatisfied with First Level response):	
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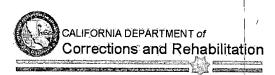
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MFR # 118-42213



CLAIMANT APPEAL CLAIMS DECISION RESPONSE

Re: Appeal Claims Decision Response

Offender Name: TRUILLO, GUILLERMO C

CDC#: AA2974

Current Location: KVSP-Facility Z02

Date: 03/18/2021

Current Area/Bed: Z02001E1 - 152001L

Log #: 000000071383

Claim # 001

Institution/Parole Region of Origin: Kern Valley State Prison

Facility/Parole District of Origin: KVSP-Central Service

Housing Area/Parole Unit of Origin:

Performance

Category: General Employee

Sub-Category: Other Staff Misconduct - NOS

The California Department of Corrections and Rehabilitation (CDCR) Office of Appeals received this claim on 01/11/2021.

California Code of Regulations, title 15, provides the Office of Appeals 60 calendar days to complete a response. Due to the expiration of time, this response by the Office of Appeals will be the only response.

You do not need to resubmit this claim to the Office of Grievances or to the CDCR Office of Appeals.

Decision: Time Expired

OOG ACKNOWLEDGMENT OF RECEIPT AND CLOSURE OF GRIEVANCE

Offender Name: TRUILLO, GUILLERMO C.

CDC#: AA2974

Date: 12/28/2020

Current Location: NKSP-Facility D

Current Area/Bed: D 006 1106001L

From: Office of Grievances at North Kern State Prison

Re: Log # 000000071383

The California Department of Corrections and Rehabilitation Office of Grievances at North Kern State Prison received your grievance on 12/28/2020. Your grievance has not been assigned for review and response because your claim(s) is being handled as specified below.

Claim # 001:

Our office reassigned your claim concerning General Employee Performance; Other Staff Misconduct - NOS to the Office of Grievances at Kern Valley State Prison.

The Office of Grievances at Kern Valley State Prison will provide a response to your claim on or before 02/27/2021.

Once you receive a response from Kern Valley State Prison and if you are dissatisfied with the decision, you may file an appeal with the California Department of Corrections and Rehabilitation Office of Appeals.

CDCR SOMS OGTT300 OOG ACKNOWLEDGMENT OF RECEIPT AND CLOSURE OF GRIEVANCE

Filed 02/10/22 PART MENGO 5 5 GROST 2008 AND REHABILITATION

STATE OF CALIFORNIA	*
INMATE/PAROLEE	APPEAL
CDCR-0602 (REV. 03/	12)

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	7/893		
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You may appeal any California Department of Corrections and Rehab adverse effect upon your welfare and for which there is no other pro- Regulations (CCR), Title 15, Section 3084.1. You must send this appeal days of the event that led to the filing of this appeal. If additional space is guidance with the appeal process. No reprisals will be taken for using the	escribed method of dep all and any supporting do s needed, only one CDCI	artmental review/remedy a ocuments to the Appeals C	avallable. See California Code Coordinator (AC) within 30 calen
Appeal is subject to rejection if one row of text per line is exceede			E CLEARLY in black or blue in
Name (Last, First):	CDC Number: 41A.2979	Unit/Cell Number: F-13 - 13 4 - 42 1 3	Assignment:
State briefly the subject of your appeal (Example: damaged TV, joi	removal, etc.):	·	1 King
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Supporting Documents: Refer to CCR 3084.3.			9 % V
Yes, I have attached supporting documents.			
List supporting documents attached (e.g., CDC 1083, Inmate Property Ir	ventory; CDC 128-G, CI	assification Chrono):	
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No, I have not attached any supporting documents. Reason:			Ç£
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inmate/Parolee Signature:	Date Submitted:	10-05-20	
By placing my initials in this box, I waive my rig	aht to receive an in	terview.	
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C. First Level - Staff Use Only This appeal has been:	Staff Check (One: Is CDCR 602-A Atta	ched? Yes No
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Cancelled (See attached letter) Date: Accepted at the First Level of Review.		× ,	•
Assigned to:	Dat	e Assigned:	Date Due:
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Date of Interview:			thiata file section below.
See attached letter. If dissatisfied with First Level		D	ate completed:
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Reviewer: Title: Sign	nature:		
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Date received by AC:	1	AC Use Only	appellant//

TO THE DOCUMENT OF THE PROPERTY OF THE	DEPARTMENT OF CORRECTIONS AND REHABILITAT
OCR-0602 (REV: 03/12) CBSe 1:22-cV-00177-AWI-CDB Document 1 File D. If you are dissatisfied with the First Level response, explain the reason below, attach sup for processing within 30 calendar days of receipt of response. If you need more space, use Se	
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Inmate/Parolee Signature:	1
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Date of Interview Lo	ocation:
Your appeal issue is: Granted Granted In Part Denled Other:	
See attached letter. If dissatisfied with Second Level response, complete	te Section F below.
Interviewer: Title: Signature:	Date completed :
Reviewer Title: Signature:	
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Review. It must be received within 30 calendar days of receipt of prior response. Mall to: Chi Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001. If you need more space, use I am Dissarias Field with securib Level Pespense. Because the industrial to perfect of the property of	Section F of the CDCR 602-A. PPEALS OFFICE AT MI KVSPARE REFUSIONS TO ASK THE CHIEF INMATE APPEALS BRANCE
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Case 1:22-cv-00177-AWI-CDB Document 1 Filed 02/10/22part Maggior 508 role 22 to 08 and REHABILITATION

NMATE/PAROLEE APPEAL FORM ATTACHMENT CDCR 602-A (REV. 03/12)			Side
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Name (Last, First): TRUTELLO, GUELLERMO CRUZ	GDC Number:	Unit/Cell Number: # 2/3	Assignment:
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	,
Inmate/Parolee Signature: Junes Sujeh	Date Submitted: 10 - 05-20

Case 1:22-cv-00177-AWI-CDB Document 1 Filed 02/10/22 Page 59 of 218

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STATE OF CALIFORNIA INMATE/PAROLEE APPEAL FORM ATTACHMENT CDCR 602-A (REV. 03/12)

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IN THE SUPERIOR COURT Case 1:22-cv-0017COUNTPBF KERN, STATE OF CORRECTIONS NOTICE TO DEPARTMENT OF CORRECTIONS

			Amended
Date: 9-10-20		CDC# AA	7974
Name: GUINEY MO	Truillo	Defendant Witn	ness
Court Case Number:	20WYA	Bail: #250/11	ω
Charges: PC 45	DA CA SCO		The state of the s
Next Hearing Date:			A CONTRACTOR OF THE PARTY OF TH
Pre-Preliminary Hearing	at	am/pm in D-	
Preliminary Hearing	at	am/pm in D-	
Sentencing	at	am/pm in D-	and a second
Arraignment	at	am/pm in D-	
Readiness C	11120 at 83	(am/pm in D- R-H	
A Trial) [5 ZV at 83]	/am/pm in D-	
Motion **	at	am/pm in D-	
As Witness	at	am/pm in D-	
Other:			
Hearing type:	at	am/pm in D-	
Use of reasonable force aut	horized to transport in	mate to court.	
(**If set for a Motion, please co		st one day prior to see if mo	tion was
actually filed and the defendant	is needed for court)		
Disposition:			
Vacate hearing date:	21/20		
Witness no longer needed.			
Defendant does not have futu	ire court dates.		
Defendant has been sentence	d. Prison packet to f	ollow	
Please note: If defendant parole			
Court immediately so that the co	그렇게 있는 사람들이 그렇게 하는 것이 없는 것 같다.	ith the Kern County Sherif	's Departmer
Judge: JUDGE JUDITH K	DODOLOR		HI OF COLUMN
Tamarah Marber-Pickens Clerk of the	Superior Court	18 19 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
By:			
Blue - Doc: White - Court			
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Memorandum



To:

Claimant

Subject:

TIME-EXPIRED RESPONSE FROM THE OFFICE OF APPEALS

Thank you for submitting your appeal for review by the California Department of Corrections, Office of Appeals. Pursuant to Title 15, section 3486(i)(10), if the Office of Appeals is not able to respond to a claim in 60 calendar days, as in this case, then the claim must be answered "time-expired." As a result, the answer provided by the Office of Grievances remains unchanged and this appeal is now closed. No further action will be taken by the Department and no appeal of this action is permitted under the regulations.

Also, pursuant to Title 15, section 3485(e), "The appeal package submitted by the claimant shall be stored electronically by the Department. The CDCR Form 602-2 shall contain a notification to the claimant that the documents submitted will not be returned to the claimant." Therefore, your Form 602-2 and any supporting documents are not included with this response.

However, a copy of your entire appeal package is maintained in your Central File. The process for requesting copies of documents contained in Central Files, often referred to as an *Olsen* review, can be found in the Department Operations Manual, sections 13030.16 and 13030.17.

Thank you,

HOWARD E. MOSELEY Associate Director

14

3004. Rights and Respect of Others.

(a) Inmates and parolees have the right to be treated respectfully, impartially, and fairly by all employees. Inmates and parolees have the responsibility to treat others in the same manner. Employees and inmates may use first names in conversation with each other when it is mutually acceptable to both parties.

(b) Inmates, parolees and employees will not openly display disrespect or contempt for others in any manner intended to or reasonably likely to disrupt orderly operations within the institutions or to incite or provoke violence.

or to incite or provoke violence.

(c) Inmates, parolees and employees will not subject other persons to any form of discrimination because of race, religion, nationality, sex, political belief, age, or physical or mental handicap.

HISTORY:

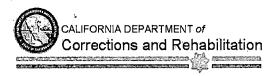
- 1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
- 2. Amendment of subsection (a) filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
- 3. New subsection (c) filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).



3293. Polygraph Examinations.

- (a) Polygraph examinations may be administered by departmental staff to inmates, parolees, and employees in the course of an investigation of official matters, under the following conditions:
- (1) The examinee has, without coercion, signed a written statement of consent to the examination,
- (2) The polygraph examiner is a Office of Correctional Safety staff member.
- (3) The Assistant Secretary or designee, Office of Correctional Safety, has approved the examination.
- (b) Polygraph examinations shall not be used as an alternative to regulatory requirements for determining a person's guilt or innocency of charges in disciplinary matters.

NOTE: Authority cited: Section 5058; Penal Code, Reference: Section 3307, Government Code; Section 5054, Penal Code; and Long Beach City Employee's Association v. City of Long Beach (1986) 41 Cal.3rd 937, 227 Cal.Rptr. 90.



CLAIMANT GRIEVANCE CLAIMS DECISION RESPONSE

Re: Grievance Claims Decision Response

Offender Name: TRUILLO, GUILLERMO C

CDC#: AA2974

Current Location: PBSP-Facility B

Date: 09/24/2021

Current Area/Bed: B 005 2 - 205001L

Log #: 000000163580

Claim #: 001

Institution/Parole Region of Origin: Pelican Bay State Prison

Facility/Parole District of Origin: PBSP-Facility B

Housing Area/Parole Unit of Origin:

Category: Offender Resources

Sub-Category: Other Resources - NOS

Our office reassigned your claim concerning Offender Resources; Other Resources - NOS to the Office of Grievances at Kern Valley State Prison.

The Office of Grievances at Kern Valley State Prison will provide a response to your claim on or before 11/13/2021.

Once you receive a response from Kern Valley State Prison and if you are dissatisfied with the decision, you may file an appeal with the California Department of Corrections and Rehabilitation Office of Appeals.

Decision: Reassigned

OOG ACKNOWLEDGMENT OF RECEIPT AND CLOSURE OF GRIEVANCE

Offender Name: TRUILLO, GUILLERMO C.

CDC#: AA2974

Date: 09/23/2021

Current Location: PBSP-Facility B

Current Area/Bed: B 005 2205001L

From: Office of Grievances at Pelican Bay State Prison

Re: Log # 000000163580

The California Department of Corrections and Rehabilitation Office of Grievances at Pelican Bay State Prison received your grievance on 09/13/2021. Your grievance has not been assigned for review and response because your claim(s) is being handled as specified below.

Claim # 001:

Our office reassigned your claim concerning Offender Resources; Other Resources - NOS to the Office of Grievances at Kern Valley State Prison.

The Office of Grievances at Kern Valley State Prison will provide a response to your claim on or before 11/13/2021.

Once you receive a response from Kern Valley State Prison and if you are dissatisfied with the decision, you may file an appeal with the California Department of Corrections and Rehabilitation Office of Appeals.

CDCR SOMS OGTT300 OOG ACKNOWLEDGMENT OF RECEIPT AND CLOSURE OF GRIEVANCE

Page 66 of 218

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

ou may appeal any California Department of Corrections and Rehabilitation (CDCR) decision, action, confiverse effect upon your welfare and for which there is no other prescribed method of departmental revieuglations (CCR). Title 15, Section 3084.1. You must send this appeal and any supporting documents to the appeal that led to the filling of this appeal. If additional space is needed, only one CDCR Form 602-Avaidance with the appeal process. No reprisals will be taken for using the appeal process.	3580 11/13/202
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First Level Responder: Complete a First Level response, include interviewer's name, title, interview date, location, and complete the section below. Date of Interview: Interview Location: ☐ Granted Granted in Part Your appeal issue is: Denied Other: See attached letter. If dissatisfied with First Level response, complete Section D Interviewer: Signature: Date completed: Reviewer: Date received by AC AC Use Only Date mailed/delivered to appellant

Case 1:22-cv-00177-AWI-CDB Document 1 Filed 02/10/22 Page 67 of 218 STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION INMATE/PAROLEE APPEAL CDCR 802 (Rev. 03/12). Side 2

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Document 1 Case 1:22-cv-00177-AWI-CDB Filed 02/10/22 Page 68 of 218

STATE OF CALIFORNIA INMATE/PAROLEE APPEAL FORM ATTACHMENT

Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used. Appeal is subject to rejection if one row of text per line is exceeded. WRITE, PRINT, or TYPE CLEARLY in black or blue ink. TRUJILLO SATILLERMO GIEVZ A. 2.974 FT - 35-7.265 A. Continuation of CDCR 602, Section A only (Explain your insue): FAFETY, T. PELT DIE AND KNOW. THAT THE FAISE TARREMATION, INTERDIMENT THAT 125-0 CHIRADIA MAZ DATENTINA Lay MAZITON 05 YEAT, B. CLETAREZ, AND HES COMERCIES TO CONTINE AND KNOW. DIALANFUL METSCHAMAT OR THAT THAT THE COMERCIES TO CONTINE AND AND ALL'BIT TO COURT OF THAT APPEAL LINEWIST THE LINEST HAVE BERON SECRETARY WENTER THE COURT REPORTED BY WAS THAT APPEALS OFFICE MAR LOG VETATION OF TITLE 15 SECRIFON 3604, B.(Y) M.Z.). THIS IS A COMPLAINT. Date Submitted: 07-03-21 B. Continuation of CDCR 602, Section B only (Action requested): STOLEN, on Pastrey by CONTINUAL LINES FIRE OF 2021, IF SET CLAMAER, ABUST ALL ALLEGATIONS MADE AGREETINAL 122 DATES) APPEAL Date Submitted: 07-03-21	CDCR 602-A (REV. 03/12)					Side
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Case 1:22-cv-00177-AWI-CDB Document 1

Filed 02/10/22

Page 69 of 218

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT
CDCR 602-A (REV. 03/12)

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NAME & CDCR #: TRUJILLO, GUILLERMO

AA2974

HOUSING: KERN VALLEY STATE PRISON

On April 8, 2021, confidential information was received by the Kern Valley State Prison (KVSP) Institutional Gand Investigations (IGI) Unit which revealed confidential information indicating you; Inmate TRUJILLO (AA2974) may be targeted for assault by members/associates of the MEXICAN MAFIA Security Threat Group-I (STG-I) if housed on a General Population (GP) facility.

During this interview, you were informed of the possible threat to your person. You adamantly denied having any safety and/or enemy concerns by stating, "I don't have any safety concerns. I can go to any mainline", and requested to remain housed on a General Population (GP) facility.

Your signature below will serve as record and your acknowledgment of the following:

You have been informed of a possible threat to your safety to which you denied claiming any safety and/or enemy concerns. You request to remain housed on a GP facility.

Inmate TRUJILLO was advised in the event he experiences safety and/or enemy concerns, he is to notify custody staff immediately. By signing this document, Inmate TRUJILLO agrees he does not have any safety and/or enemy concerns.

I, Guillermo TRUJILLO, AA2974, have been asked to declare any safety and/or enemy concern issues I feel I may have. I have no safety or enemy concerns. I wish to remain on a GP facility. I have been advised to immediately report any safety and/or enemy concern issues to custody staff which may arise in the future.

Comments: I HAVE NO SAFETY CONSERVIS HERE AT (KVSP) AND WILL LIKE TO CONTINUE GENERAL

ANY INSTITUTION

R. OLIVAREZ Correctional Sergeant Investigative Services Unit Kern Valley State Prison

Original:

IGI Unit Inmate

DATE: 04/08/2021

INFORMATIONAL (SAFETY CONCERNS)

CDCR-128-B

SUBMITTE CASE 1:22-CV-00177-AWI-CDB Document 1 Filed 02/10/22 Page 71 of 218

R. OLIVAREZ REGARDING THIS SAME (CO.C. R 128-B)

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EXHIBIT B



CALIFORNIA CORRECTIONAL

HEALTH CARE SERVICES



Institutional Level Assignment Notice

Date: DEC 2 8 2021

To: TRUILLO, GUILLERMO (AA2974)

#B 003 1116001LP Pelican Bay State Prison

P.O. Box 7000

Crescent City, CA 95531-7000

Tracking #: PBSP HC 21000611

Due Date: 2/28/2022

The Health Care Grievance Office has accepted your health care grievance for response. If you need additional information regarding your health care grievance, contact the health care grievance coordinator at your institution.

California Code of Regulations, Title 15, Section 3999.226(c), states "The grievant has the right to submit one health care grievance every 14 calendar days, unless it is accepted as an expedited grievance. The 14 calendar day period shall commence on the calendar day following the grievant's last accepted health care grievance." Health care grievances submitted in excess of these limitations may be subject to rejection per California Code of Regulations, Title 15, Section 3999.234(a)(1).

If you have additional health care needs, you are advised to utilize approved processes to access health care services in accordance with California Correctional Health Care Services policy.

Health Care Grievance Office Representative

Duber HCGC

Pelican Bay State Prison

CLAIMANT GRIEVANCE RECEIPT ACKNOWLEDGMENT

Offender Name: TRUILLO, GUILLERMO C.

CDC#: AA2974

Date: 12/28/2021

Current Location: PBSP-Facility B

Current Area/Bed: B 003 1116001L

From: Office of Grievances at Pelican Bay State Prison

Re: Log # 000000202018

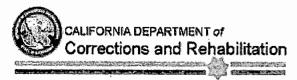
The California Department of Corrections and Rehabilitation Office of Grievances at Pelican Bay State Prison received your grievance on 12/24/2021. Your grievance has been assigned for review and response.

Pursuant to California Code of Regulations, title 15, the Office of Grievances will complete its review no later than 02/23/2022.

Please be informed that the Office of Grievances will not respond to any inquiries about the status of a grievance prior to the date shown above.

Once you receive a response and if you are dissatisfied with the decision(s), you may file an appeal with the California Department of Corrections and Rehabilitation Office of Appeals.

CDCR SOMS OGTT300
CLAIMANT GRIEVANCE RECEIPT ACKNOWLEDGMENT



CLAIMANT GRIEVANCE RECEIPT ACKNOWLEDGMENT

Offender Name: TRUILLO, GUILLERMO C.

CDC#: AA2974

Date: 12/24/2021

Current Location: PBSP-Facility B

Current Area/Bed: B 003 1116001L

From: Office of Grievances at Pelican Bay State Prison

Re: Log # 000000199496

The California Department of Corrections and Rehabilitation Office of Grievances at Pelican Bay State Prison received your grievance on 12/17/2021. Your grievance has been assigned for review and response.

Pursuant to California Code of Regulations, title 15, the Office of Grievances will complete its review no later than 02/16/2022.

Please be informed that the Office of Grievances will not respond to any inquiries about the status of a grievance prior to the date shown above.

Once you receive a response and if you are dissatisfied with the decision(s), you may file an appeal with the California Department of Corrections and Rehabilitation Office of Appeals.

CDCR SOMS OGTT300 CLAIMANT GRIEVANCE RECEIPT ACKNOWLEDGMENT STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION OFFICE OF APPEALS P. O. BOX 942883

SACRAMENTO, CA 94283-0001

THIRD LEVEL APPEAL DECISION

January 7, 2021 Date:

Guillermo Truillo, AA2974 In re:

NKSP

TLR Case No.: 2003528 Local Log No.: PBSP-20-00130

ISSUE ON APPEAL:

Appellant alleges on November 1, 2019, Correctional Officer (CO) Z. Nuno started a rumor that he was in his cell touching his genitals. Appellant further alleges that CO Nuno threatened him with physical violence by ordering assaults on him.

II. CONTROLLING AUTHORITY:

A. CONTROLLING AUTHORITY:

- California Penal Code 832.7 and 832.8
- California Code of Regulations, Title 15, (CCR) Section 3084.9(A) and 3391
- Departmental Operations Manual (DOM) Section 33030.3.1 and 54100.25

B. DOCUMENTS CONSIDERED:

- CDCR 602 Appeal Form Log No.: PBSP-20-00130
- Confidential Supplement Attachment "C" to appeal PBSP-20-00130

III. FINDINGS:

The Office of Appeals (OOA) found by a preponderance of the documented evidence available that all applicable policies were followed and that all relevant decisions and actions by the institution were proper relative to the staff complaint. The allegation of staff misconduct presented in the written complaint was reviewed and completed at the institution (PBSP). The inquiry included a review of the evidence, an evaluation of any interview conducted and a review of current laws, policies and procedures. The appellant was informed that all staff personnel matters are confidential in nature. The inquiry was completed and it was found that staff did not violate policy with respect to the issue appealed. The appeal was partially granted in that an inquiry was completed and has been reviewed. The Office of Appeals Examiner reviewed the confidential inquiry (Attachment C) dated March 23, 2020, and concurs with the institution's determination. The institution's response complies with departmental policy and the appellant's staff complaint allegation was properly addressed.

IV. CONCLUSION AND ORDER: DENIED

After a thorough review of all documents and evidence, it is the order of the Office of Appeals that the appeal at the Third Level of Review is **DENIED**. This decision exhausts the administrative remedies available to the appelfant with CDCR.

W. SINKOVICH, Appeals Examiner

Office of Appeals

Warden, PBSP

Grievance Coordinator, PBSP, NKSP

Case 1:22-cv-00177-AWI-CDB Document 1 Filed 02/10/22 Page 77 of 218

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

Tuesday, January 21, 2020

TRUILLO, AA2974 B 008 2229001L

GRIEVANCE AGST STAFF, , 01/16/2020

Log Number: PBSP-B-20-00130

(Note: <u>Log numbers are assigned to all appeals for tracking purposes. Your appeal is subject to cancellation for failure to correct noted deficiencies.</u>)

The enclosed documents are being returned to you for the following reasons:

Your appeal has been rejected pursuant to the California Code of Regulations, Title 15, Section (CCR) 3084.6(b)(6). Your appeal makes a general allegation, but fails to state facts or specify an act or decision consistent with the allegation.

You need to identify what threats of force were made, as this appeal is vague and lacks specific threats. Make the necessary corrections and resubmit this appeal in order to be processed.

	K. Royal, Appeals Coordinator
	S. Williams, IAO OT
XL	D. Lunsford, SSA
	B. Chaucer, SCR LT
Appe	als Coordinator
PBSI	Appeals Office

Pelican Bay State Prison
FEB 1 9 2020
Appeals Office

NOTE: If you are required to respond/explain to this CDCR Form 695, use only the lines provided below.

AT THE BOTTOM OF THE ORFICINAL (C.D.C.R 602) SPECIFY OFFICER NUMEZ VERBAL

THREATS AGAZINST ME. THEREFORE WOULD LIKE GOZ BYPASS FOR THE NEXT LEVEL

OF REVIEW. THE SPECIFIC THREATS ARE LISTED ON (C.D.C.R FORM 602) PART 2

A SECTION CONTINUATION

Be advised that you cannot appeal a rejected appeal, but should take the corrective action necessary and resubmit the appeal within the timeframes specified in CCR 3084.6(a) and CCR 3084.8(b). Pursuant to CCR 3084.6(e), once an appeal has been cancelled, that appeal may not be resubmitted. However, a separate appeal can be filed on the cancellation decision. The original appeal may only be resubmitted if the appeal on the cancellation is granted.

NOTE THIS CDCR 695 IS A PERMANENT APPEAL ATTACHMENT AND IS NOT TO BE REMOVED

STATE OF CALIFORNIA INMATE/PAROLEE APPEAL

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CDCR 602 (REV. 03/12)

IAB USE ONLY

Institution/Parole Region: Log #: Category:

PBSP 8-20-00130

FOR STAFF USE ONLY

YOU may appear any commentation and Rehabilitation (CDCR) decision, action, condition, policy or regulation that has a material adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of

adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of Regulation (CDCR) and the restriction of the prescribed method of departmental review/remedy available. See California Code of Regulation (CDCR) Title 15. Section 2034 1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the country that her text that h

Appeal is subject to rejection if one row of text per line is exceede	d.		E CLEARLY in black or blue ink.
Name (Last, First): TRUJILLO; GUILLERMO CRUZ	CDC Number: *4.4 · 2974	Unit/Cell Number: ## FB-B8-229	Assignment:
State briefly the subject of your appeal (Example: damaged TV, job	, ,	<u> </u>	Pelican Bay State Prisor
A. Explain your issue (If you need more space, use Section A of the DATE: JANUARY 2-3,2020 DURING SECOND S	HİFT OFFICE CO	ONTROL BOOTH	JAN 1 6 2020 Appeals Office
MASTURBATING TO HER WHILE INSIDE MY			Pelica Bay State Prison
B. Action requested (If you need more space, use Section B of the OFFICER NUNTEZ: TO BE PLACE UNDER INV	-		F© 19 2020
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☐ No, I have not attached any supporting documents. Reason :	N 1 6 7020		MARL3 0 2020
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Inmate/Parolee Signature: By placing my initials in this box, I waive my recommendations and the second se	Date Submitted:		Ø
C. First Level - Staff Use Only This appeal has been:	Staff – Check (One: Is CDCR 602-A Atta	ached? Yes 🗆 No
Bypassed at the First Level of Review. Go to Section E. 2 1 20 Cancelled (See attached letter) Date:	20 Date:	Date:	Date:
Accepted at the First Level of Review. Assigned to:	o: Parl	e Assigned:	Date Due:
First Level Responder: Complete a First Level response. Richard Interview:	Interview Location	44. E. S.	nplete the section below.
Your appeal issue is: Granted Granted Granted Del	nied Liother servicesponse complete Ser		·
(Print Name)	gnature:		Date completed:
(Print Name)	gnature:	 	ļ
Date received by AC:	г	AO Hao Onfu	

Date mailed/delivered to appellant _

STATE OF CALIFORNIA INMATE/PAROLEE AR CDCR 602 (REV. 03/12)	₽£ 2-cv-00177-AWI-CDB	Document 1 Fi	led 02/10/22 Page	CTIONS AND REHABILITATION 79 Of 218 Side 2
D. If you are dissatisfi for processing within	ed with the First Level response, explain 30 calendar days of receipt of response. If	the reason below, attach sup you need more space, use Se	porting documents and submit t ection D of the CDCR 602-A.	o the Appeals Coordinator
Inmate/Parolee Signa	ature:		Date Submitted :	
E. Second Level - Stat	ff Use Only	Staff - Che	eck One: Is CDCR 602-A Attac	hed? 🗽 Yes ☐ No
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Review. It must bé i Rehabilitation, P.O.	fied with the Second Level response, expeceived within 30 calendar days of receipt on Box 942883, Sacramento, CA 94283-0001.	f prior response. Mail to: Chi If you need more space, use	supporting documents and submef, Inmate Appeals Branch, Depa Section F of the CDCR 602-A.	nit by mail for Third Level artment of Corrections and
	policy per C.D.C.R policy		,	
PROVOKING VIOL	ENCE TOWARD'S I APPELLANT.	TRUJILLO, THRU RUM	HORE OF TOUCH ING MY	GENETALS . AND
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G. Third Level - Staff L This appeal has been: ☐ Rejected (See attache	Use Only and letter for instruction) Date:	Date: Date:	Date:	Date:
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H. Request to Withdra conditions.)	w Appeal: I request that this appeal be w		because; State reason. (If with	
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Print Staff Name:	Title:	Signature:		_ Date:

Document 1

Filed 02/10/22

Page 80 of 218

STATE OF CALIFORNIA

INMATE/PAROLEE APPEAL FORM ATTACHMENT
CDCR 602-A (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

2003528

IAB USE ONLY

Institution/Parole Region:

Log #:

Category:

7

PBSP 13-20-0013C

FOR STAFF USE ONLY

ppeal is subject to rejection if one row of text per line is exceeded.	CDC Number:	TYPE CLEARLY in black Unit/Cell Number:	Assignment:
TRUJELLO; GUELLERMO CRUZ	#AA 2974	F.B-88-229	NA
A. Continuation of CDCR 602, Section A only (Explain your issue) :	1 A. 1	No.	
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specific threats:			Pelican Bay State Priso
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3. Continuation of CDCR 602, Section B only (Action requested):	DUE TO HER S	DENIZAL OF ALL A	LIEGATIONS
MADE AGAÎNST HER. JAN 1 6 2020			
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nmate/Parolee Signature:			1-20-2020

Side 2

Attachment E-1

Department of Corrections and Rehabilitation

Memorandum

Date : MAR 2 4 2020

To

TRUILLO, AA2974

Facility: B Unit: 5 Cell: 228 Pelican Bay State Prison

Subject:

STAFF COMPLAINT RESPONSE - APPEAL # PBSP-B-20-00130 SECOND LEVEL RESPONSE

APPEAL ISSUE: You allege on Friday, November 1, 2019, Correctional Officer (CO) Z. Nuno started rumors that you were touching your genitals. Additionally you allege that CO Z. Nuno threatened you with physical violence by ordering assaults on you.

All issues unrelated to the allegation of staff misconduct must be appealed separately and will not be addressed in this response. You do not exhaust administrative remedies on any unrelated issue not covered in this response or concerning any staff member not identified by you in this complaint. If you are unable to name all involved staff you may request assistance in establishing their identity.

DETERMINATION OF ISSUE: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal is:

Being processed as an Appeal Inquiry.

You were interviewed on Wednesday, March 11, 2020, by Lieutenant B. Chaucer, wherein you reiterated the information contained in the appeal.

Your appeal is PARTIALLY GRANTED in that:

The <u>Appeal inquiry</u> is complete, has been reviewed and all issues were adequately addressed.
The following witnesses were questioned:N/A
Staff: $\textit{did} \ \square \ \textit{did not} \ \boxtimes$ violate CDCR policy with respect to one or more of the issues appealed.

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE.

- As such, the details of any inquiry will not be shared with staff, members of the public, or offender appellants.
- Although you have the right to submit a staff complaint, a request for administrative
 action regarding staff or the placement of documentation in a staff member's personnel
 file is beyond the scope of the staff complaint process. A variety of personnel actions

Page 2

may be initiated by the Department based upon the content of your complaint and the outcome of any investigation or inquiry conducted as a result of your complaint.

• Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process.

If you wish to appeal the decision and/or exhaust administrative remedies, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's/Third Level of Review. Once a decision has been rendered at the Third Level, administrative remedies will be considered exhausted.

Print: B. Chaucer, Lieutenant

Signe"

-∕ðate:

<u>3.23.20</u>030

Print: Jim Robertson, Warden

Reviewing Authority

Interviewer

îgn:

Date

RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections and Rehabilitation has added the department language (shown inside brackets, in non-boldface type) for clarification purposes.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental peace officer must read, sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or inmates'/parolees'] COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate/parolee] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

COMPLAINANT'S PRINTED NAME	COMPLAINANT'S SIGNATURE	DATE SIGNED	
N/A	N/A n	N/A	
INMATE/PAROLEE PRINTED NAME	INMATE/PAROLEE'S SIGNATURE	CDC NUMBER	DATE SIGNED
TRUILLO	(Just Byr	AA2974	03-11-2020
RECEIVING STAFF'S PRINTED NAME	RECEIVING SPAFF'S SIGNATURE	DATE SIGNED	
LT. B. CHAUCER	B. Chare	3-11-2	220

DISTRIBUTION: ORIGINAL -

Public – Institution Head/Parole Administrator Inmate/Parolee – Attach to CDC form 602 Employee – Institution Head/Parole Administrator

COPY - Complainant

Case 1:22-cv-00177-AWI-CDB Document 1 Filed 02/10/22 Page 85 of 218
DEPARTMENT OF CORRECTIONS AND REHABILITATION PELICAN BAY STATE PRISON

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

APPEALS EFFECTIVE COMMUNICATION CONFIRMATION

INMATE NAME	CDCR NUMBER	HOUSING	APPEAL LOG#	TABE Score
TRUILLO	AA2914	B5-228	PBSP-B-20-00130	1.8
A. DOES THE INN	ATE HAVE D	ISABILITIES C	OR COMMUNICA'	TION ISSUES?
1. 🔀 Reads and comprehend				
-			ew of DECS & TABE/Le	arning Disability lists.
STOP! IF ITEMS #1 A	ND #2 ARE BOTH	CHECKED, GO	TO SECTION B. SIGN	AND DATE.
3. Identified with a disab	ility or effective com	nunication need (che	ck all that apply):	
TABE 4.0 or lower, or no		Hearing	Learning disability	
Requires reading/comprehe		Vision	☐ Developmental disa ☐ EOP	
Foreign language speaking		Speech	L EOP	CCCMS
B. APPEAL INTEL	RVIEW			
1. How was assistance pro		that apply.	· · · · · · · · · · · · · · · · · · ·	
Simple English spoken slo		Inmate stated no need		arge print material used
Read documents to inmate		Used text magnifier		ip reading
Inmate was wearing hearing		Sign language interpro		
☐ Written notes used (notes a ☐ Other:		Language interpreter	ised; Name:	
2. How was effective com	munication achieve	ed? Check all that	apply.	
Inmate reiterated in his ow	n words, what was ex	plained.		
Inmate provided appropria				
Inmate asked appropriate of				mmunication was used
Inmate did not appear to un Other: I RULLCO			the primary method of co	mmunication was used.
B. Chaucer, Lieutenant		\mathcal{D}		3-11-2020
Printed Name & Title		Signature		Date
STOP! DO NOT FILE				
WITH COMPI	LETED RESPO	NSE AS DIREC	TED BY THE APPI	EALS OFFICE
C. APPEAL RESPO	ONSE - FIRST	LEVEL		
1. How was assistance pro	vided?			
Effective communicati	•		Section B, #1 of this form	1.
2. How was effective com			G .: D !!Q C.1.: C	
Effective communicati Additional Comments:	on assistance was pro	ovided as identified in	Section B, #2 of this form	1.
Printed Name & Title		Signature		Date
D. APPEAL RESPO	ONSE - SECON	D LEVEL		
1. How was assistance pr Effective communicati		vided as identified in	Section B. #1 of this form	1
2. How was effective com	_		occurred by "1 of this fold	••
Effective communicati			Section B, #2 of this form	1.
Additional Comments:				
Printed Name & Title	S	Signature		Date

3004. Rights and Respect of Others.

(a) Inmates and parolees have the right to be treated respectfully, impartially, and fairly by all employees, Inmates and parolees have the responsibility to treat others in the same manner. Employees and inmates may use first names in conversation with each other when it is mutually acceptable to both parties.

(b) Inmates, parolees and employees will not openly display disrespect or contempt for others in any manner intended to or reasonably likely to disrupt orderly operations within the institutions

or to incite or provoke violence.

(e) Inmates, parolees and employees will not subject other persons to any form of discrimination because of race, religion, nationality, sex, political belief, age, or physical or mental handicap.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).

2

Pelican Bay State Prison

JAN 16 2020

Appeals Office



3293. Polygraph Examinations.

- (a) Polygraph examinations may be administered by departmental staff to inmates, parolees, and employees in the course of an investigation of official matters, under the following conditions:
- (1) The examinee has, without coercion, signed a written statement of consent to the examination.
- (2) The polygraph examiner is a Office of Correctional Safety staff member.
- (3) The Assistant Secretary or designee, Office of Correctional Safety, has approved the examination.
- (b) Polygraph examinations shall not be used as an alternative to regulatory requirements for determining a person's guilt or innocence of charges in disciplinary matters.

NOTE: Authority cited: Section 5058, Penal Code, Reference: Section 3007, Government Code: Section 5054, Penal Code; and Long Beach City Employee's Association v. City of Long Beach (1986) 41 Cal. 3rd 937, 227 Cal. Rptr. 90.

Case 1:22-cv-00177-AWI-CDB

Document 1 Filed 02/10/22 Page 88 of 218

DEPARTMENT OF CORRECTIO

9.101.6

3401.6. Staff Sexual Harassment,

(a) Staff Sexual Harassment, For the purpose of the Prison Rape Elimination Act policy, staff sexual harassment means repeated verbal comments or gestures of a sexual nature to an offender by a staff member, volunteer, or contractor, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

(b) Penalties. All allegations of staff sexual harassment shall be subject to review and investigation, and when appropriate, to disci-

plinary action and/or criminal prosecution.

→ (c) Reporting Requirements. Any employee who observes, or who receives information from any source concerning staff sexual harassment shall immediately report the information or incident directly to the hiring authority, unit supervisor, or highest-ranking official on duty. Failure to accurately and promptly report any incident, information or facts which would lead a reasonable person to believe staff sexual harassment has occurred may subject the employee who failed to report it to disciplinary action.

(d) Retaliation Against Inmates/Parolees, Retaliatory measures against inmates/parolees who report incidents of staff sexual harassment shall not be tolerated and shall result in disciplinary action and/or criminal prosecution. Such retaliatory measures include that are not limited to, coercion, threats of punishment, or any other activities intended to discourage or prevent an inmate/parolee from

reporting sexual harassment.

→ (e) Protection Measures. Multiple protection measures may be considered to protect inmate victims who report staff sexual harassment or cooperate with staff sexual harassment investigations including but not limited to housing changes or transfers for inmate victims, removal of alleged staff from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting staff sexual harassment or for cooperating with investigations.

NOTE: Authority cited: Section 5058, Penal Code, Reference: Sections 289.6, 293.5 and 5054, Penal Code; Section 6254, Government Code; and 28 CFR Sections 115.67 and 115.76.

HISTORY:

 New section filed 10-20-2016; operative 10-20-2016 pursuant to Government Code section 11343.4(b)(3);(Register 2016, No. 43).

3402. Central File.

(a) Within the scope of their assigned duties, employees are ofcouraged to consult an immate's central file for assistance in better understanding the immate. The contents of the immate's file are private and privileged information. It will not be discussed with other persons except as is necessary for professional reasons, and will not be the subject of banter between employees or between employees and the immate to whom it pertains or with other immates. Information in an immate's central file may be confidential by law of for reasons relating to institution security and the safety of persons. Such confidential or restricted information must not be disclosed to persons who are not authorized by law and departmental policy and procedures to receive such information.

(b) The central file of a parolee or an inmate may not be removed from the appropriate case rounds office or an institution without the prior knowledge and approval of the supervising records officer who is responsible for the control and maintenance of the file. Temporary transfer of a central file to another agency for any reason also requires the prior approval of the supervising records officer.

NOTE: Authority cited: Section 5058, Penal Code, Reference: Section 5054, Penal Code.

HISTORY:

Agrendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).

3404.1. Approval of Ex-Offender Employee Transactions.

Relationships involving business and financial transactions between ex-offender employees and other employees shall require the advance approval of each person's hiring authority and also of the regional parole administrator with jurisdiction over any employee on parole.

NOTE: Authority cited: section 5058, Penal Code, Reference; section 5054, Poral Code.

HISTORY:

 Renumbering and amendment of former section 3404 to new section 3404.1 filed 11-30-93; operative 12-30-93 (Registers), No. 491.

3405. Legal Assistance to Inmates and Parolees.

Employees must not assist an initial or parolee in the preparation of any legal document of give, any form of legal advice or service, except as specifically authorized by the warden, superintendent or regional administrator. Employees should help inmates and parolees to find qualitied assistance for their legal problems.

Comment: Former DR-5216, petitions and writs.

3406. Committed Relatives and Friends of Employees.

If an employee becomes aware that any relative or person with whom the employee has or has had either a personal or business relationship, has been committed to or transferred to the jurisdiction of the department, the employee shall notify in writing, the employee's institution head or appropriate director/assistant secretary of that fact.

NOTE: Authority cited: Section 5058, Penal Code, Reference: Section 5054, Penal Code.

FISTORY:

1: Appendment of section heading and section, repealer of Comment, and new Note filed 9-13-96 as an emergency; operative 9-13-96. A Certificate of Compliance must be transmitted to OAL by 2-24-97

Kein Valley State Prison Ad Seg Unit 2 - North

340 Caste በ ያያውር የሚያውር
- (a) For the purposes of this section, staff sexual misconduct peans any sexual behavior by a departmental employee, volunteer, agent or individual working on behalf of the Department of Corrections and Rehabilitation, which involves or is directed toward an inmate or parolee. The legal concept of "consent" does not exist between departmental staff and immates/parolees; any sexual behavior between them constitutes sexual misconduct and shall subject the employee to disciplinary action and/or to prosecution under the law. Sexual misconduct includes, but is not limited to:
- (1) Influencing or offering to influence un inmate's/parotee's safety, custody, housing, privileges, parote conditions of programming, or offering goods or services, in exchange for sexual favors; or
- (2) Threatening an inmate '/parolee's safety, custody, housing?[privileges, work detail, parole conditions or programming because the inmate/parolee has refused to engage in sexual behavior; or '
 - (3) Engaging in sexual act(s) or contact, including:
 - (A) Sexual intercourse; or
 - (B) Sodomy; or
 - (C) Oral Copulation; or
 - (D) Penetration of genital or anal openings by a foreign object, substance, instrument or device for the purpose of sexual arousal, gratification, or manipulation; or
 - (E) Rubbing or touching of the breasts or sexual organs of another or of oneself, in the presence of and with knowledge of another, for the purpose of sexual arousal, gratification, or manipulation; or
- (F) Invasion of privacy, beyond that reasonably necessary to maintain safety and security; or disrespectful, unduly familiar, or sexually threatening comments directed to, or within the hearing of, an inmate/parolee.
 - (4) Display by staff, to the presence of an inmate, of the staff person's uncovered genitalia, buttocks, or breast;

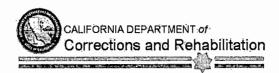
Kein Valley State Prison rions and Rehabilitation Ad Seg Unit 2 - Norkis-101.5

- (5) Voyeurism by a staff person including volunteers or independent contractors. Voyeurism is defined as an invasion of privacy of an offender by staff for reasons unrelated to official dattes.
- (b) Penaltics All allegations of staff sexual misconduct shall be subject to investigation, which may lead to disciplinary action and/ or criminal prosecution.
 - (c) Reporting Requirements. Any employee who observes, or who receives information from any source concerning staff sexual inisconduct, shall immediately report the information or incident directly to the hiring authority, unit supervisor, or highest-ranking official on duty. Failure to accurately and promptly report any incident, information or facts which would lead a reasonable person to helieve sexual misconduct has occurred may subject the employee who failed to report it to disciplinary action.
- (d) Contidentiality. Alleged victims who report criminal staff sexual misconduct falling into one of the Penal Code section set torth in Government Code Section 6254(Ot2) shall be advised that their identity may be kept confidential pursuant to Penal Code Section 293.5, upon their request.
- (e) Retaliation Against Employees. Retaliatory measures against employees who report incidents of staff sexual misconduct shall not be tolerated and shall result in disciplinary action and/or criminal prosecution. Such retaliatory measures include, but are not limited to, unwarranted denials of promotions, merit salary increases, training opportunities, or requested transfers; involuntary transfer to another location/position as a means of punishment; or unsubstantiated poor performance reports.
- (f) Retaliation Against Innates/Parolees, Retaliatory measures against inmates/parolees who report incidents of staff sexual misconduct shall not be tolerated and shall result in disciplinary action and/or criminal prosecution. Such retaliatory measures include, but are not limited to, coercion, threats of punishment, or any other activities intended to discourage or prevent an inmate/parolee from reporting sexual misconduct.
- (g) Protection Measures, Multiple protection measures shall be considered to protect inmate victims who report stailf sexual misconduct or cooperate with staff sexual misconduct investigations including but not limited to housing changes or transfers for inmate victims, removal of alleged staff from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting staff sexual misconduct or sexual harassment or for cooperating with investigations.

NOTE: Authority cited: Section 5058, Penal Code, Reference: Sections 289.6, 293.5 and 5054, Penal Code; and Section 6254, Government Code; and 28 CFR Section 115.67.

HISTORY

- New section filed 6-21-2000 as an emergency: operative 6-21-2000 (Register 2000), No. 251, Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL/ by 11-28-2000 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 6-21-2000 order transmitted to OAL 10-5-2000 and filed 11-6-2000 (Register 2000, No. 45).
- Amendment of subsection (d) and repealer of subsection (g) filed 3-20-2002; operative 4-19-2002 (Register 2002, No. 12).
- Change without regulatory effect amending subsection (a) filed 3-11-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 11).
- Amendment of section heading and subsection (a), item subsections (a)(4)-(5), amendment of subsections (b)-(f), new subsection (g) and amendment of Note filed 10-20-2016; operative 10-20-2016 pursuant to Government Code section 11343.4(h)(3) (Register 2016, No. 43).



CLAIMANT GRIEVANCE CLAIMS DECISION RESPONSE

Re: Grievance Claims Decision Response

Offender Name: TRUILLO, GUILLERMO C

CDC#: AA2974

Current Location: PBSP-Facility B

Date: 12/04/2021

Current Area/Bed: B 003 1 - 116001L

Log #: 000000178575

Claim #: 001

Institution/Parole Region of Origin: Pelican Bay State Prison

Facility/Parole District of Origin: Pelican Bay State Prison

Housing Area/Parole Unit of Origin:

Category: General Employee Performance

Sub-Category: Other Staff Misconduct - NOS

The California Department of Corrections and Rehabilitation (CDCR) Office of Grievances at Pelican Bay State Prison received your claim on 10/22/2021.

California Code of Regulations, title 15, provides CDCR Office of Grievances 60 calendar days to complete a response.

Although 60 calendar days have passed since your claim concerning General Employee Performance; Other Staff Misconduct - NOS was received, your claim is still under inquiry or investigation. Due to the expiration of time, this response by the Office of Grievances will be the only response.

You will be notified once the inquiry or investigation of the issue concerning your claim has been completed, but the notification will be outside of the timeframe of the Grievances and Appeals Process. You do not need to resubmit this claim to CDCR.

Decision: Under Investigation

STATE OF CALIFORNIA **INMATE/PAROLEE APPEAL**

DEPARTMENT OF CORRECTIONS AND REHABILITATION

-	IAB USE ONLY	institution/Parole Region:	Log #:	Category:
	,		178575	12/22/2021
			FOR STAFF USE ONLY	•

You may appeal any California Department of Corrections and Rehabilitation (CDCR) decision, action, condition, policy or regulation that has a material adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of

Regulations (CCR), Title 15, Section 3084.1. You must send the ays of the event that led to the filling of this appeal. If additional uidance with the appeal process. No reprisals will be taken for	space is needed, only one CD	CR Form 602-A will be accep	ted. Refer to CCR 3084 for furth
Appeal is subject to rejection if one row of text per line is	exceeded.	WRITE, PRINT, or TYP	E CLEARLY in black or blue ini
Name (Lest, First):	CDC Number:	Unit/Cell Number:	Assignment:
TRUJILLO GUILLERMO CRUZ	AA.2974	FB-B5-205	N/A
State briefly the subject of your appeal (Example: damaged A. Explain your issue (If you need more space, use Section D.C.R 602 GREENANCE AGAINST THE FALL THOMPSON AND ANSTERN BECAUSE SINCE MY A ETMOT FROM FACILETY A BUILDING WHE TO B. Action requested (If you need more space, use Section	ON A of the CDCR 602-A): I OUNTING C/OS A. DAVIS OURTINAL HERE TO FAC UEEN THELATE MED O	LOPEZ, T. JOHNSON, ILITY B, BULLTONG I ASSAULT, STATEMEN	
THE ABOUT LISTED OF FICERS TO ISE PLACE U	NDER BUVESTEGATED	M BECAUSE IF	
ANY OF THE ABOVE FOMEUTIONED TAKES THE LOCAL COURTS OF THE OFFICERS L Supporting Documents: Refer to CCR 3084.3. Yes, I have attached supporting documents. List supporting documents attached (e.g., CDC 1083, Inmate P	ISTED DENLY ALL ALL	EGATIBUS MADE	Pelice Described Prison 2.2 2021 Appeals Office
Inmate/Parolee Signature: By placing my initials in this box, I waive	Date Submitte	d: 10 -18-2021	
			<u> </u>
C. First Level - Staff Use Only This appeal has been: Bypassed at the First Level of Review. Go to Section E. Rejected (See attached letter for instruction) Date: Cancelled (See attached letter) Date: Accepted at the First Level of Review. Assigned to:	Date:	ck One: Is CDCR 602-A Atta Date: Date Assigned:	Date:
First Level Responder: Complete a First Level response. Inclu Date of Interview:	de Interviewer's name, title, inte	erview date, location, and con	nplete the section below.
(Print Name)	First Level response, complete		Date completed:
500.100 by 10		AC Use Only Date malled/delivered to	appellant / /

Case 1:22-cv-00177-AWI-CDB Document 1 Filed 02/10/22 Page 92 of 218

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL
CDCR-0602 (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 2

D. If you are dissatisfie for processing within 3	d with the First Level 0 calendar days of rec	el response, explain elpt of response. If	the reason be you need more	low, attach supp e space, use Se	oorting docum ction D of the	ents and submi CDCR 602-A.	it to the Appeals (Coordinator
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Inmate/Parolee Signa	ture:				Date Su	bmitted :		
E. Second Level - Staff	Use Only			Staff - Che	ck One: Is C	DCR 602-A Att	ached? Yes	i □ No
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Renabilitation, P.O.	Box 942863, Sacrame	nto, CA 94283-0001	ir you need m	nore space, use	Section P of t	ne CDCR 602-4		
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H. Request to Withdra conditions.)	w Appeal: I request	that this appeal be	withdrawn from	n further review	because; St	ate reason. (If	withdrawal is con	ditional, list
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Document 1

Filed 02/10/22

Page 93 of 218

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT
CDCP.0602.A (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CDCR-0602-A (REV. 03/12) Side 1 IAB USE ONLY Institution/Parole Region: Category: Log#: OR STAFF USE ONL Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used. Appeal is subject to rejection if one row of text per line is exceeded, WRITE, PRINT, or TYPE CLEARLY in black or blue ink. Name (Last, First): TRUJILLO, GUILLERMO CIEVZ AA-297 NA FB-05- 205 A. Continuation of CDCR 602, Section A only (Explain your Issue): MASE ARE AS FALLOW HOE WHAT HELD BEATEN HERE AT P. B. S. P. OTHER STATEMENTS MADE THE FALLMENC OF FICERS WE WANT JED IN A PHYSICAL ALTERCATION OR STABB [] 1 <u>L</u> [,] GJ; Inmate/Parolee Signature: Dato Submitted: 16-21 B. Continuation of CDCR 602, Section B only (Action requested): AGAINST THEM WOLLD ALSO LITTLE TO CONSULT TO A POLYGRAPH STAMENATION PERITITLE IS SECTION 10-18-21 inmate/Parolee Signature: Date Submitted:

Document 1

Filed 02/10/22 Page 94 of 218 DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 2

Case 1:22-cv-00177-AWI-CDB STATE OF CALIFORNIA INMATE/PAROLEE APPEAL FORM ATTACHMENT CDCR-0602-A (REV. 03/12)

Continuation of CDCR 602, Section D only (Dissatisfied with First Level response): mate/Paroles Signature: Continuation of CDCR 602, Section F only (Dissatisfied with Second Level response):		
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EXHIBIT B

Roy W. Wesley, Inspector General Bryan B. Beyer, Chief Deputy Inspector General

Independent Prison Oversight

Regional Offices

Sacramento Bakersfield Rancho Cucamonga

November 3, 2021

Guillermo Trujillo, AA2974 North Kern State Prison P.O. Box 567 Delano, CA 93216-5000

Dear Guillermo Trujillo,

The Office of the Inspector General (OIG) has received the correspondence on May 21, 2021, where you alleged you submitted three 602's regarding sexual assault allegations toward you, which you alleged to be false. You alleged that none of your appeals have been logged into the inmate of appeals office violation.

The OIG reviewed institutional records. According to institutional records, you have filed several appeals and have received responses at the institutional and to the Office of Appeals level. Based on our review, it appears that institution and headquarters staff responded to your requests and resolved your issues in compliance with the department policies. The OIG's review did not identify any potential policy violations or issues regarding your appeals at the institutional or at the Office of Appeals level of review.

Please note that the OIG does not have the authority to compel the CDCR to adopt or change its appeal findings, nor do we have the authority to perform investigations into allegations of staff misconduct. If you believe that CDCR failed to appropriately address your concerns, or you have exhausted your appeals, or you are dissatisfied with your appeal decision, you may choose to submit your complaint to the courts. Further, the OIG has no jurisdiction to conduct an investigation; however, the Governor, the Senate Committee on Rules, or the Speaker of the Assembly, may request the OIG to conduct an authorized review. Also, as part of our statutory mandates, our regional field office staff monitors the internal affairs investigations and employee disciplinary process of CDCR and works directly with prison administrators to resolve issues at the local level.

INTAKE AND REVIEW UNIT Office of the Inspector General

BR: 21-0039400-PI



(2 of 2)

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 2 of 122

AND INDIVIDUALLY. AT ALL TIMES MENTIONED IN THIS COMPLAIN'T EACH DEFENDANT ACTED UNDER THE COLOR OF STATE LAW.

FACTUAL ALLEGATIONS:

AT ALL TIMES RELEVANT TO THIS CASE PLAINTIFF, GUILLERMO TRUJULO CRUZ WAS CONFINED AT PELICAN BAY STATE PRISON, FACILITY A YARD, BUILDING SIX, SECTION-B, CELLANS.

DURING MY ARRIVAL BACK TO DELICAN BAY STATE PRISON FROM NORTH KERN

STATE PRISON FOR OUT. TO COURT PROCEEDINGS CASE NO. # DFOIZOGGA.

DEMENDANTS, TONICHER AND JARVIS, DURING THEIR SECOND WATEN SHIFTS OR ON

DUTY ON A DAILY BASIS WOULD START A CAMPAIGN OF HARASSMENT IN

RETALIATION TOWARDS PLAINTIFF, FOR REPORTING SERVIDUS EMPLOYEE MISCONDUCT

AGAINST THEIR FELLOW CO. WORKER WHILE PLAINTIFF, WAS CONFINED ON FACILITY

B. YARD AND IN OTHER BUILDINGS WHILE HOUSED IN OTHER BUILDINGS WITHIN

FACILITY A-YARD. THE CAMPAIGN OF HARASSMENT THE RETALIATION INCLUDED

SEXUAL HARASSMENT, VERGAL THREATS OF PHYSICAL INJURY TO PREVENT PLAINTIFF,

FROM CONTINUING FROM FILING (C.D.C.R FORM 602'S) AND OR LAWSHITS, AND

ORDERS OF PHYSICAL ASSAULTS THROUGH FELLOW INMATES, BY TELLING PLAINTIFF,

WE ARD GOWNA GET YOU FUCK UP AND OFF THE YARD.

ON DECEMBER 11-12, 2018, DEFENDANTS, TINCHER AND JARVES WOULD ON A
DATLY BASES WOULD BRIDE WITH GETTENG SEXUALLY ACTIVE WITH ME IF I

PLAINTIFF, ENGAGE IN SEXUAL ACTS OF EXPOSSING MY GENITALS (PENIS), TOUCH

OR RUBB MY SEXUAL ORGAN INFRONT OF THEM THROUGH THE OUTSIDE OF MY CLOTHINK

WHILE CONFINED IN MY ASSIGNED CELL # 115. TO INTENTIONALLY BLACKMAIL ME

AND OR MANIPULATE ME AND FINALLY ULTIMATELY HAVE ME ASSAULTED ON THE

MAIN YARD. THESE ACTIONS TOOK PLACE BY OFFICER TINCHER ON A DAILY BASIS

ON HER SHIFT'S STUCE SHE WAS A REGULAR ASSIGNED STAFF IN BUILDING SIX.

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 3 of 122

with officer Jaruis, illegal actions took place from December 11-12, 2018 THEN SHE WAS ON SHIFT COUERING UP COLUDRKER'S SHIFT'S DEFENDANT, JARVIS is Not a regular staff assigned to Building Six. Furthermore, once both DEFENDANTS, TINCHER AND JARVIS, KNEW PLAINTIFF, TRUTTLE, WAS NOT FALLING FOR THEIR SERVIAL ADVANCES BOTH OFFICER WOULD THEN STRIFT TO FUMENT FALSE LÍES OF Í, PLAÍNTÍFF, EXPOSSÍNG AND MASTURBATÍNG TO THOM FU PLAÍN VÍEW UF THEIR PRESENCE TO ENCITE AND PROUDKE VIOLENCE TO HAVE ME ASSAULTED ON THE main yard. These incidents occured every day and have continue to be an ON GOING PROBLEM TILL THIS DAY. IN RETALIATION TOWARDS ME FOR COMPLAINING ABOUT THE PROBLEM THROUGH PRISON GRIEVANCES ABOUT DEFENDANTS AND COLUCKERS veixbal threats and sexual harassment from 2016 through 2018. See all ATTACHED (C. D.C.R FORM GORS) THAT HAVE BEEN EXHAUSTED AT THE THIRD LEVEL APPEAL DECISION AS EXHIBITS (A-11) TO SUPPORT ALLECATIONS ON COMPLAINT. WHERE PLAINTIFF, GUILLERMO TRUJELLO CRUZ, HAS CONTACTED THE OFFICE OF INTERNAL AFFAIRS IN SACRAMENTO TO CONDUCT AN INVESTIGATION AND CEASE PRISON OFFICIAL'S UNLAWFULL MISCOUDUCT WITH NO RESOLUTION TO 🕶 SOLUE THE PROBLEM SAME WITH THE OFFICE OF THE INSPECTOR GENERAL. SEE ATTACHED RESPONSES FROM BOTH AGENCYS (ATTACHMENTS A) AS SUPPORTING EVIDENCE. THE MEMORANDUM'S DATED! MARCH 27, 2020, OF THE FALLOWING STAFF COMPLAINTS RESPONSES ON APPEALS THAT HAVE NOT BEEN FULLY EXHAUSTED ARE ALSO SUPPORTEN EVIDENCE OF PRISON OFFICIALS ON GOING HARASSMENT IN RETALIATION APPEAL P.B.S.P. 0-19-00272, APPEAL LOG# P.B.S.P. 0-19-00273, APPEAL LOGH P.B.S.P. 00275, AND APPEAL LOG# P.B.S.P-0-19-00278. FURTHERMORE, PLAINITIEF, GUILLERMO TRUJILLO CRUZ, WOULD LIKE TO ADDRESS THE COURTS THAT DEFENDANTS, TENCHER AND JARVES, AND CONDERKERS

CAMPATER OF HARASSMENT OF PHYSICAL INJURY AND VERBALTHREATS ARE TO SCARE

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 4 of 122

ME AWAY FROM REPORTING EMPLOYEE ILLECAL MISCONDUCT THROUGH THE
PELICAN BAY STATE PRISON GRIEVANCE SYSTEM AND FROM CONTINUENCE TO
PERSUIT MY CIVIL RIGHTS ACTIONS PERSUANTO 42 U.S.C. 1983.

WERE I PLASNITIFF, SUFFER PROLUNGE FEAR FOR MY HEALTH AND LIFE AS A RESULT OF DEFENDANTS, VEROAL THREATS OF PHYSICAL INJURY AND DEATH THREATS THAT MAKE THESE THREATS CREATBLE. THIS TYPE OF CAMPAIGN OF HARASSMENT INCLUDED ORDERS BY DEFENDANTS TENCHER AND JARVIS, TO HAVE ANDRONOUS RESOURCES DO THEIR DIRTY WORK", BY INTENTIONALLY SETTINGUP PLANTIFF, TO BE ATTACKED BY OTHER THMATES, OPENIAND HIS CELL DOOR TO ALLOW THE ATTACK ON HEM, TO PROVIDE ME WITH A CELLMATE TO HAVE PLAINTIFF, INVOLVED IN PHYSICAL ALTERNATIONS, BEATEN OR KELLED ONCE ON PARCLE. THES TYPE OF YERBAL HARASSMENT HAS BEEN AN ON GOING PROBLEM HERE AT PELICAN BAY STATE PRISON BY DEFENDANTS AND THEIR CONNECES THAT PLACES PLAINTIFF, UNDER IMMINENT DANGER OF SERIOUS JUJURY BY PRISON OFFICIALS ENCOURACING AN ORDERING ATTACKS AGAINST PLATINTIPE, HR. TRAJILLE, IN RETALIATION, VENCONCE, AND VENDETTA. WERE DEFENDANTS, TINCHER JARVES AND THEIR COWORKERS ARE CLEARLY AWARE OF THAT SUBSTANTIAL RISK OF SERIOUS HARM PLAINTIFF TRUJELD, FACES AND PRETEND NOT TO BE AWARE OF THAT RISK THEY STARTED.

TO PREVENT ME FROM BETNE PHYSICALLY ASSAULTED OUT ON THE YARD.

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 5 of 122

DEFENDANTS MALICIOUS AND SADISTIC SCHEMES TO HAVE OR USE OTHER
ANDNYMOUS RESOURCES TO HARM PLAINTIFF, TRUITLE, RESULTS IN A CONSPIRACY
BETWEEN PRISON OFFICIALS AND ANONYMOUS RESOURCES.

DEFENDANTS, TITUCHER AND JARVIS, CAMPAIGN OF HARASSMENT OF DEATH
THREATS OR SIMPLE THREAT BY A GUARD TO AN INMATE WITH OUT ANY RESULTING
PHYSICAL HARM STATES AN EXCHT AMENDMENT CLAIM. FOR THE SIMPLE FACT
THAT THE RISK THAT THE GUARD THREAT MIGHT BE CARRIED OUT... AMOUNTS
TO A SUFFICIENT SUBSTANTIAL RISK OF SERIOUS DAMAGE TO THE PLAINTIFFS,
FUTURE HEACTH TO BE ACTIONABLE AS AN UNSCONSTITUTIONAL CONDITION
OF COMFINEMBUT. PLAINTIFF, CUILLERMO TRUJILLO CRUZ, LIKE TO FURTHER
AROUS THAT DEFENDANTS, HAVE INTENTIONALLY DISCRIMINATED AGAINST
PLAINTIFF, FOR REFUSING TO ENGAGE IN UNLAWFULL SERVAL BEHAVER, OR SEXUAL
ACTS OF RUBBING OF TOUCHING OF SERVAL ORGAN OF OMESELF IN THE PRESENCE
OF AND KNOWLEDGE OF ANOTHER FOR THE PURPOSE OF SEXUAL AROUSAL, CRATIFICATION
OR MANIPULATION, OR INVASION OF PRIVACY BEYOND THAT REASONABLE NECESSARY
TO MASINTAIN SAFETY AND SECURITY.

EXHAUSTION OF LEGAL REMEDIES :

PLAINITIFF, CUILLERMO TRUTILLO CRUZ, USED THE PRISON GRIEVANCE PROCEDURE
AVAILABLE AT PELICAN BAY STATE PRISON TO TRY AND SOLVE THE PROBLEM BE
FOR IT SCALATES, WHERE THE INMATE APPEALS COURDINATURE STAFF AS WELL
AS THE CHIEF INMATE APPEALS BRANCH HAVE DENIED AND REFUSE TO CORRECT
PRISON OFFICIALS UNLAWFULL MISCONDUCT AT THE THIRD LEVEL REVIEW. SEE
ATTACHED (C.D.C.2 FORM MO25) (A-H) AS EXHIBITS.

LEGAL CLASMS:

PLAINTIFF, REALLEGES AND INCORPORATES BY REFERENCE PARAGRAPHS 1.

DEFENDANTS, TITUCHER AND TARVIES, USED AND CONTINUES TO USE VERBAL THREATS

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 6 of 122

PHYSICAL VIOLENCE AND DEATH THREATS TOWARDS PLAINTIFF, AND HIS FAMILY
FOR EXERCISING OF MY RICHTS TO SEEK REDRESS FROM THE PRISON THROUGH USE
OF THE PRISON CRIEVANCE SYSTEM, DEFENDANTS, ARE RETALIATING AGAINST
PLAINTIFF, TRUDILLO, UNLAWFULLY, FAILING TO CORRECT THAT MISCONDUCT
AND ENCOURACING THE CONTINUALION OF THE MISCONDUCT, IN VIDLATION
OF PLAINTIFF, TRUDILLO, RICHT'S UNDER THE FIRST AMENDMENT TO THE
UNITED STRIES CONSTITUTION, THESE ILLEGAL ACTIONS ARE CAUSING PLAINTIFF,
TRUDILLO, EMORIDAAL DISTRESS AND INJURY TO THIS FIRST AMENDMENT RICHT'S.

PLAINTIFF, GUILLERMO TRUDILLO CRUZ, HAS NO PLAIN, EDARUATE OR
COMPLETE REMEDY AT LAW TO REDRESS THE WROURS DESCRIBED HEREIN. PLAINTIFF
HAS BEEN WILL CONTINUE TO BE IRREPAIRABLY INJURED BY THE CONDUCT OF THE
DEFENDANT'S UNLESS THIS COURT GRANT'S DECLARATORY RELIEF WHICH PLAINTIFF

PRAYER FOR RELIEF :

OCO ADADUST EACH DEFENDANT, JOINTLY AND SEVERALLY,

ERANTING PLAINTIFF, TRUTILLO, A DECLARATION THAT THE ACTÉ AND OMISSIONS
DESCRÍBED HEREIN VIOLATE MY RIGHTS UNDER THE CONSTITUTION AND LAWS OF
THE UNITED STATES, AND

(2).
A PRELIMINARY AND PERMANEUT INJUCTION OF DEPENDANTS, JARVIS
AND TOMORRE TO CEASE THEIR THREATS OF PHYSICAL VIOLENCE AND DEATH THREATS
TOMORRES PLAINTIFF, TRUJELLO, AND

(3).
BRANTING PLAINTIFF, TRUJELLO, COMPENSATORY DAMAGES IN THE AMOUNT OF
\$150,000 ACAINST EACH DEFENDANT, JOINTLY AND SEVERALLY,

(4).
PLAINTIFF TRUJELLO, ALSO SEEKS PUNITIVE DAMAGES IN THE AMOUNT OF \$150,

WHEREFORE, PLAINTIFF, RESPECTFULLY PRAYS THAT THE'S COURT ENTER JUDGMENT:

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 7 of 122

PLANTIEF ALSO SEEKS A JURY TREAL ON ALL ESSUES TREABLE BY JURY PLANTETE TRUJELLO, ALSO SEEKS A POLYGRAPH EXAMENATION AGAINST BUTH 2 DEFENDANTS DENIAL OF ALL ALLECATIONS MADE ACADAST THEM, ACTS OF DISHOUSTY AND UNPROFESSEDNAL MÉSCHURGET, PLACUTATE TRUJELLO, ALTO SEEK'S RECLUSEY OF THEER CONTS ON THE'S SACT, AND ANY ADDITIONAL RELEEF THATS COMET DEEMS JUST, PROPOR, AND EQUITABLE. 8 I DE CLARE UNDER PENALTY OF PERTURY THAT THE FOREGUING ITS TRUE AND 9 CORRECT. EXECUTED AT PELICAN BAY STATE PRESON. ON APRIL 12, 2020. 10 11 1.2 13 GUELLERMO TRUJELLO CRUZ 14 PELICAN BAY STATE PIZESON 15 P.O. BUX. 7500 1.6 CRESCENT CETY, CAL 95532 17 18 19 20 21 22 23 24 25 26 27 28

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 8 of 122

Template Date 4/4/2012 State of California

Attachment E-4 Department of Corrections and Rehabilitation

Memorandum

Date :

March 27, 2020

To

Truillo, AA2974 PBSP B5-228L

Subject: STAFF COMPLAINT RESPONSE - APPEAL # PBSP-O-19-00272

Allegations raised in your complaint dated January 23, 2019, have been evaluated. Our review indicates that there was no violation of California Department of Corrections and Rehabilitation policy. Accordingly, no further action will be taken with regard to your complaint.

This response does not limit or restrict the availability of further relief via the inmate appeals process. If you have not already done so, and you wish to further appeal the decision, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's Level of Review.

With the rendering of a decision at the Third Level of Review your administrative remedies will be considered exhausted.

Appeals Goordinator: Please print and sign below:

Name: K. Appeals Coordinator

Date: 3-27-26

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 9 of 122

Template Date 4/4/2012 State of California Attachment E-4
Department of Corrections and Rehabilitation

Memorandum

Date :

: March 27, 2020

To

Truillo, AA2974 PBSP B5-228L

Subject:

STAFF COMPLAINT RESPONSE - APPEAL # PBSP-O-19-00273

Allegations raised in your complaint dated <u>January 23, 2019</u>, have been evaluated. Our review indicates that there was no violation of California Department of Corrections and Rehabilitation policy. Accordingly, no further action will be taken with regard to your complaint.

This response does not limit or restrict the availability of further relief via the inmate appeals process. If you have not already done so, and you wish to further appeal the decision, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's Level of Review.

With the rendering of a decision at the Third Level of Review your administrative remedies will be considered exhausted.

Appeals Coordinator: Please print and sign below:

Appeals Coordinator

Signature

Date: 3-27-21

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 10 of 122

Template Date 4/4/2012 State of California

Attachment E-4 Department of Corrections and Rehabilitation

Memorandum

Date : March 27, 2020

To : Truillo, AA2974 PBSP B5-228L

Subject: STAFF COMPLAINT RESPONSE - APPEAL # PBSP-0-19-00275

Allegations raised in your complaint dated <u>January 17, 2019</u>, have been evaluated. Our review indicates that there was no violation of California Department of Corrections and Rehabilitation policy. Accordingly, no further action will be taken with regard to your complaint.

This response does not limit or restrict the availability of further relief via the inmate appeals process. If you have not already done so, and you wish to further appeal the decision, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's Level of Review.

With the rendering of a decision at the Third Level of Review your administrative remedies will be considered exhausted.

Appeals Coordinator: Please print and sign below:

Appeals Coordinator

Signature

Date:*_3-27-2(*)

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 11 of 122

Template Date 4/4/2012 Stale of California Attachment E-4
Department of Corrections and Rehabilitation

Memorandum

Date : March 27, 2020

To : Truillo, AA2974

PBSP B5-228L

Subject: STAFF COMPLAINT RESPONSE - APPEAL # PBSP-O-19-00278

Allegations raised in your complaint dated <u>January 23, 2019</u>, have been evaluated. Our review indicates that there was no violation of California Department of Corrections and Rehabilitation policy. Accordingly, no further action will be taken with regard to your complaint.

This response does not limit or restrict the availability of further relief via the inmate appeals process. If you have not already done so, and you wish to further appeal the decision, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's Level of Review.

With the rendering of a decision at the Third Level of Review your administrative remedies will be considered exhausted.

Appeals Coordinator: Please print and sign below:

Name: L. bonaf Appeals Coordinator Signature Z

Date: 3-27-24

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 12 of 122

ATTACHMENT 1

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 13 of 122

STATE OF CALIFORNIA - DEPARTMENT OF CORRECTIONS AND REHABILITATION

GAVIN NEWSOM, GOVERNOR

DIVISION OF ADULT INSTITUTIONS
Pelican Bay State Prison
PO Box 7000
Grescent City, CA 96532

Date: :JAN 0 2 2020

TRUILLO, Guillermo, AA2974 Pelican Bay State Prison Facility: B Unit: 8 Cell: 229L

Dear Inmate Truillo:

This letter is in response to your letters, dated November 14, 2019, and one undated addressed to the Office of Internal Affairs, Sacramento, California. Based upon a review of your correspondence, it has been determined the issues in your letter have already been addressed at the institutional level from the Inmate Appeals Office. You attached copies of the response documentation showing you have already received for your Staff Complaints, in appeal log numbers PBSP-O-1-01742 and PBSP-A-18-02677. As documented within the enclosed exhibits, both you have received final disposition from Third Level Review; exhausting your remedies with the California Department of Corrections and Rehabilitation.

Sincerely,

TIM LEMOS
Associate Warden
Central Services

Enclosure: Original Documents received from OIA to include appeal responses.

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 14 of 122

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 15 of 122

STATE of CALIFORNIA

OIG OFFICE of the INSPECTOR GENERAL

Roy W. Wesley, Inspector General Bryan B. Beyer, Chief Deputy Inspector General

Regional Offices

Sacramento Bakersfield Rancha Cucamongo

February 28, 2020

Guillermo Trujillo, AA2974 Pelican Bay State Prison P.O. Box 7000 Crescent City, CA 95532-7000

Dear Guillermo Trujillo,

The Office of the Inspector General (OIG) has received your correspondence. We conducted a review into the issues you raised and determined no further intervention is warranted by our office at this time.

In the future, we encourage you to utilize the available administrative grievance remedies until you have received a final decision by the California Department of Corrections and Rehabilitation (CDCR) third level of review. If your appeal is screened out, we recommend you follow the instructions provided by appeals staff and resubmit your appeal to the appeals office within 30 days. If you wish to do so, you may use a CDCR Form 22 as a receipt when submitting your CDCR Form 602 appeal to institutional staff. Please contact your correctional counselor for advice and assistance regarding questions about the process or the status of your appeal/grievance.

If your appeal is canceled, and you dispute the reasons for canceling your appeal, you may file a new appeal disputing the appeal coordinator's reasons for cancelation, explaining why the cancelation was improper or why the appeal should have been processed. You should attach the original appeal and the cancelation notice with any documentation supporting your claim that the appeal was improperly rejected, and submit the whole package to the appeals coordinator. Please note, you must appeal the cancelation within 30 days of the issuance of the CDCR Form 695 (Screening For: CDCR Form 602 Inmate/Parolee Appeals).

Regarding concerns with appeal issues submitted to our office, please include copies of supporting documents such as copies of submitted CDCR Form 602 appeal form and/or CDCR Form 22, if applicable. Also, do not send us originals, as we will not be able to return them.

The OIG is an independent State of California government agency established by law. Our primary responsibility is the independent oversight of California's youth and adult correctional agencies, including the CDCR, the Board of Parole Hearings, and the Prison Industry Authority.

Gavin Newsom, Governor

10111 Old Placerville Road, Suito 110 Sacramento, California 95827 Telephoner (916) 255-1101 www.olg.ca.gov



Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 16 of 122

STATE of CALIFORNIA

OIG OF

OFFICE of the INSPECTOR GENERAL

Roy W. Wesley, Inspector General Bryan B. Beyer, Chief Deputy Inspector General

Regional Offices

Sacramento Bakersfield Rancha Cucamonga

As part of our statutory mandates, the OIG oversees the internal affairs investigations and employee disciplinary process of the CDCR, monitors CDCR's use-of-force review process, and conducts reviews of CDCR's policies, practices, and procedures. The OIG is not an investigative agency and does not pursue legal action on behalf of inmates.

In the future, if your appeal has been screened out, the OIG recommends you follow directions provided on the Form 695 (Screening For: CDCR 602 Inmate/Parolee Appeals) and resubmit your appeal within 30 days.

Thank you for bringing your concerns to our attention. The OIG considers this matter closed,

INTAKE AND REVIEW UNIT Office of the Inspector General

AN: 19-0031824-PI



Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 17 of 122.....

State of Callfornia

Department of Corrections and Rehabilitation

Memorandum

Date: February 28, 2020

To: Guillermo Trujillo, AA2974
Facility B, Housing Unit 5, Cell 228

Subject: REPEATED REQUEST FOR POLYGRAPH EXAMINATIONS OF PEACE OFFICERS

Mr. Trujillo, this letter is to confirm receipt of four (4) California Department of Corrections (CDCR) 22 forms received by Pelican Bay State Prison (PBSP) Investigative Services Unit (ISU). The aforementioned CDCR22 forms were dated January 19, 2019, January 19, 2019, February 23, 2020, and February 23, 2020 (see attached). In each of the four CDCR22 forms, you allege staff misconduct which has either been investigated or is being investigated. In each of the forms, you request the accused officer be subjected to a "polygraph examination" citing California Code of Regulations (CCR) Title 15 section 3293(b).

Mr. Trujillo let me point out 3293(a)(1) wherein the employee must consent to the examination:

3293. Polygraph Examinations.

- (a) Polygraph examinations may be administered by departmental staff to Inmates, parolees, and employees in the course of an investigation of official matters, under the following conditions:
- (1) The examinee has, without coercion, signed a written statement of consent to the examination.
- (2) The polygraph examiner is a Office of Correctional Safety staff member.
- (3) The Assistant Secretary or designee, Office of Correctional Safety, has approved the examination.
- (b) Polygraph examinations shall not be used as an alternative to regulatory regulrements for determining a person's guilt or innocence of charges in disciplinary matters.

Mr. Trujillo, I would like to further point out that California Government Code 3307 specifically exempts peace officer from being compelled to submit to a "lie detector" test:

3307. Polygraph Examination; Right to Refuse: Effect

a) No public safety officer shall be compelled to submit to a lie detector test against his or her will. No disciplinary action or other recrimination shall be taken against a public safety officer refusing to submit to a lie detector test, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the public safety officer refused to take, or did not take, a lie detector test, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the public safety officer refused to take, or was subjected to, a lie detector test.

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 18 of 122

Guillermo Trujillo CDCR22 response Page 2

(b) For the purpose of this section, "lie detector" means a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device, whether mechanical or electrical, that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual.

In conclusion, your request for polygraph examinations of Departmental Peace Officers cannot be accommodated. If a Departmental Peace Officer consents to a polygraph examination and no cost is incurred to the State of California, you may proceed.

J. Änderson Sergeant

Investigative Services Unit

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 19 of 122

EXHIBIT A

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 20 of 122 STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION

OFFICE OF APPEALS P.O. Box 942883 Sacramento, CA 94283-0001



OFFICE OF APPEALS THIRD LEVEL DECISION

March 30, 2020

Truillo, Guillermo, AA2974 PBSP

Dear Mr./Ms. Truillo,

The California Department of Corrections and Rehabilitation (CDCR) Office of Appeals (OOA) received your CDCR Inmate 602 Appeal log number PBSP-19-02138, TLR number 1914223 for the purposes of providing a Third Level Response.

Due to time constraints, OOA will not issue a Third Level Response to your inmate appeal. The Second Level Response to your appeal, previously issued to you, serves as the Department's decision.

This response by the Office of Appeals will be the only response and is not appealable to CDCR.

This action by OOA does not excuse you from exhausting any other administrative remedies that may be required or available to you in relation to your particular claim, including, but not limited to, the Department of General Services Government Claims Program, the Department of Fair Employment and Housing, and the Equal Employment Opportunity Commission.

Office of Appeals
California Department of Corrections & Rehabilitation

cc: Appeals Coordinator

Case 4:20-cv-U2/14-HSG	o Document.	Filed	4/20/20 Page	21 UI 122
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	Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 22 of 122	
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Case 4:20-cv-02714-HSG, Document 1 / Filed 04/20/20 Page 23 of 1/22

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Case 4:20-cv-02714-HSG Document 1_Filed 04/20/20 Page 25 of 122

PELICAN BAY STATE PRISON SECOND LEVEL REVIEW

Date: OCT 2.2 2019

Inmate: TRUILLO, AA2974 Pelican Bay State Prison Facility: B Unit: 8 Cell: 106L

RE: WARDEN'S LEVEL DECISION
APPEAL LOG NO. PBSP-B-19-02138

APPEAL: DENIED ISSUE: LEGAL

This matter was reviewed by Jim Robertson, Warden, at Pelican Bay State Prison (PBSP). On October 21, 2019, K. Royal, Correctional Counselor II, conducted the Interview at the Second Level Review (SLR). All submitted documentation and supporting arguments have been considered.

ISSUES.

The Appellant is appealing the cancellation of appeal Log No. PBSP-A-19-00226. The Appellant states his appeal was rejected on June 14, 2019, well outside the required 30 day time frame. The Appellant claims prison officials hold inmates' appeal forms to prevent the Appellant from exhausting administrative remedies.

The Appellant requests for appeal Log No. PBSP-A-19-00226 to be bypassed to second level for review.

EFFECTIVE COMMUNICATION

The Appellant has been identified with a disability or effective communication need. The Appellant has a Test of Adult Basic Education score of 1.8. The Appellant is not a participant in the Mental Health Services Delivery System. The Appellant reiterated what was in his written appeal and did not have anything to add to his written appeal.

FINDINGS

According to the inmate Appeals Tracking System (IATS), the Appellant originally submitted appeal Log No. PBSP-A-19-00226 on January 24, 2019. The appeal was rejected by the inmate Appeals

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 26 of 122

Second Level Review Inmate: TRUILLO, AA2974 Appeal Log No. PBSP-B-19-02138 Page 2

Office (IAO) on January 31, 2019, as the Appellant was on appeal restriction and was only allowed one non-emergent appeal every 30 days.

According to the IATS, the Appellant resubmitted the appeal to the IAO on March 12, 2019. The appeal was rejected on March 14, 2019, as the Appellant was instructed to be more specific with the dates and log number he was requesting to appeal.

According to the IATS, the Appellant resubmitted the appeal to the IAO on April 16, 2019. The appeal was rejected on April 19, 2019, as the Appellant was on appeal restriction and was only allowed one non-emergent appeal every 30 days.

According to the IATS, the Appellant resubmitted the appeal to the IAO on June 10, 2019. The appeal was rejected on June 14, 2019, as the Appellant was on appeal restriction and was only allowed one non-emergent appeal every 30 days. The IAO noted the Appellant had an appeal accepted on June 5, 2019.

According to the IATS, the Appellant resubmitted the appeal to the IAO on August 28, 2019. The appeal was cancelled on September 4, 2019, as the appeal was not submitted with in the 30 days required. The appeal was submitted 82 days after the appeal was sent to the Appellant for corrections.

SLR notes the Appellant refers to Board of Parole Hearings (BPH) letter dated July 25, 2019, to support his denial for referral to BPH for Non-Violent Offender review. However, the Appellant failed to provide any documents showing as noted in the BPH letter the decision made by the institution not refer him. The Appellant did however provide a Determinately Sentenced Non-Violent Offender Parole Referral Decision dated April 4, 2019, issued to him from California Correctional Center. It was noted on the form the Appellant will not be referred due to him being scheduled for release within the next 210 days or he is scheduled to begin serving a term for an in-prison crime (also known as a Tate term) within the 210 days.

DETERMINATION OF ISSUE

The California Code of Regulations (CCR), Title 15, Section 3084.1, Right to Appeal, states in part, The appeal process is intended to provide a remedy for inmates and parolees with identified grievances and to provide an administrative mechanism for review of departmental policies, decisions, actions, conditions, or omissions that have a material adverse effect on the welfare of inmates and parolees. All appeals shall be processed according to the provisions of Article 8, Appeals, unless exempted from its provisions pursuant to court order or superseded by law or other regulations.

The CCR, Title 15, Section 3084.2, Appeal Preparation and Submittal, states in part, (f) An inmate or parolee or other person may assist another inmate or parolee with preparation of an appeal

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 27 of 122

Second Level Review Inmate: TRUILLO, AA2974 Appeal Log No. PBSP-B-19-02138 Page 3

unless the act of providing such assistance would create an unmanageable situation including but not limited to: acting contrary to the principles set forth in sections 3163 and 3270, allowing one offender to exercise unlawful influence/assume control over another, require an offender to access unauthorized areas or areas which would require an escort, or cause avoidance or non-performance in assigned work and program activities. Inmates or parolees shall not give any form of compensation for receiving assistance or receive any form of compensation for assisting in the preparation of another's appeal. The giving or receiving of compensation is considered misconduct and is subject to disciplinary action.

The CCR, Title 15, Section 3084.5, Screening and Managing Appeals, states in part, (a) Each institution head and parole region administrator shall designate an appeals coordinator at a staff position level of no less than a CCII or Parole Agent II. (b) The appeals coordinator or a delegated staff member under the direct oversight of the coordinator shall screen all appeals prior to acceptance and assignment for review. (3) The inmate or parolee continues to submit a rejected appeal while disregarding appeal staff's previous Instructions to correct the appeal including failure to submit necessary supporting documents, unless the inmate or parolee provides in Part B of the CDCR Form 602 (Rev. 08/09), Inmate/Parolee Appeal, a reasonable explanation of why the correction was not made or documents are not available.

The CCR, Title 15, Section 3084.6, Rejection, Cancellation, and Withdrawal Criteria, states in part, (c) (4) Time limits for submitting the appeal are exceeded even though the inmate or parolee had the opportunity to submit within the prescribed time constraints. In determining whether the time limit has been exceeded, the appeals coordinator shall consider whether the issue being appealed occurred on a specific date or is ongoing. If the Issue is ongoing, which may include but is not limited to, continuing lockdowns, retention in segregated housing, or an ongoing program closure, the inmate or parolee may appeal any time during the duration of the event; however, the inmate or parolee is precluded from filling another appeal on the same issue junless a change in circumstances creates a new issue.

A thorough review of this matter was conducted at the SLR. The Appellant's request for appeal Log No. PBSP-A-19-00226 to be bypassed to second level for review is DENIED, as the IAO appropriately cancelled the appeal in accordance with CCR, Title 15, Section 3084.6.

This appeal is DENIED at the SLR.

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 28 of 122

Second Level Review Inmate: TRUILLO, AA2974 Appeal Log No. PBSP-B-19-02138 Page 4

MODIFICATION ORDER

No modification of this decision or action taken is required.

Warden Warden

KWR DATE: 9/19/19

Case 4:20-cv-02714-HSG Document 1 File	a 04/20/20	Page 29 of 122	, siciles
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State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

Wednesday, September 4, 2019

TRUILLO, AA2974 B 008 1106001L

LEGAL, Processing of Appeals, 08/28/2019

Log Number: PBSP-A-19-00226

(Note: Log numbers are assigned to all appeals for tracking purposes. Your appeal is subject to cancellation for failure to correct noted deficiencies.)

The enclosed documents are being returned to you for the following reasons:

Your appeal has been cancelled pursuant to the California Code of Regulations, Title 15, Section (CCR) 3084.6(c)(10). Failure to correct and return a rejected appeal within 30 calendar days of the rejection.

This appeal was rejected 6/14/19, putting you well outside of the required 30 day time constraint, as you resubmitted the appeal 8/28/19.

\square .	K. Royal, Appeals Coordinator
	D. Landay, SSA
	T. Buchanan, SCR LT.
	S. Williams, IAO OT
App	eals Coordinator
PBS	P Appeals Office

NOTE: If you are required to respond/explain to this	CDCR Form 695, use only the Help provided below.
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Appeals Ollice

Be advised that you cannot appeal a rejected appeal, but should take the corrective action necessary and resubmit the appeal within the timeframes specified in CCR 3084.6(a) and CCR 3084.8(b). Pursuant to CCR 3084.6(c), once an appeal has been cancelled, that appeal may not be resubmitted. However, a separate appeal can be filed on the cancellation decision. The original appeal may only be resubmitted if the appeal on the cancellation is granted.

NOTE THIS COCR 695 IS A PERMANENT APPEAL ATTACHMENT AND IS NOT TO BE REMOVED.

Case 4:20-cv-02714-HSG	Document 1 - Filed	04/20/20 Page 30	of 122 Valley State Pilson
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State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

Friday, April 19, 2019

TRUILLO, AA2974 Z02001E1159001L

LEGAL, Processing of Appeals, 04/16/2019

Log Number: PBSP-A-19-00226

(Note: Log numbers are assigned to all appeals for tracking purposes. Your appeal is subject to cancellation for failure to correct noted deficiencies.)

The enclosed documents are being returned to you for the following reasons:

Your appeal has been rejected pursuant to the California Code of Regulations, Title 15, Section (CCR) 3084.4(g). You are on appeal restriction and are restricted to one non-emergency appeal every 30 calendar days for a period of one year. Any subsequent violation of the appeal restriction shall result in an extension of the restriction for an additional one-year period upon approval by the third level Appeals Chief.

You are currently on appeal restriction and are only allowed to submit one non-emergency appeal every 30 days.

K. Royal, Appeals Coordinator
L. D. Landay, SSA
L. D. DeWitt, SCR LT
S. Williams, IAO OT
Appeals Coordinator
PBSP Appeals Office

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NOTE: If you are required to respond/explain to this CDCR Form 695, use only the lines provided below.

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Be advised that you cannot appeal a rejected appeal, but should take the corrective action necessary and resubmit the appeal within the timeframes specified in CCR 3084.6(a) and CCR 3084.8(b). Pursuant to CCR 3084.6(e), once an appeal has been cancelled, that appeal may not be resubmitted. However, a separate appeal can be filed on the cancellation decision. The original appeal may only be resubmitted if the appeal on the cancellation is granted.

Case 4:20-cv-02714-HSG	Document 1	Filed 04/20/20 Page 33 of 122
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State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

Thursday, March 14, 2019

TRUILLO, AA2974 Z02001E1159001L

LEGAL, Processing of Appeals, 03/12/2019

Log Number: PBSP-A-19-00226

(Note: Log numbers are assigned to all appeals for tracking purposes. Your appeal is subject to cancellation for failure to correct noted deficiencies.)

The enclosed documents are being returned to you for the following reasons:

Your appeal has been rejected pursuant to the California Code of Regulations, Title 15, Section (CCR) 3084.6(b)(9). Your appeal issue is obscured by pointless verbiage or voluminous unrelated documentation such that the reviewer cannot be reasonably expected to identify the issue under appeal.

Due to the large volume of appeals you have filed, you will need to be more specific with dates and log numbers as to which appeal you are requesting to have processed.

Pelican Bay State Prison

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Appeals Office:

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NOTE: If you are required to respond/explain to this CDCR Form 695, use only the lines provided below.

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 34 of 122

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 35 of 122

State of California CDC FORM 695	a soliey State Prison
Screening For:	Through in 2 - North
CDC 602 Inmate/Parolee Appeals	2 1 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
CDC 1824 Reasonable Modification or Accommodation Request	

RE: Screening at the FIRST Level

Thursday, January 31, 2019

TRUILLO, AA2974 A:006 1115001L ASU2-157L

LEGAL, Processing of Appeals, 01/24/2019

Log Number: PBSP-A-19-00226

(Note: Log numbers are assigned to all appeals for tracking purposes. Your appeal is subject to cancellation for failure to correct noted deficiencies.)

The enclosed documents are being returned to you for the following reasons:

Your appeal has been rejected pursuant to the California Code of Regulations, Title 15, Section (CCR) 3084.4(g). You are on appeal restriction and are restricted to one non-emergency appeal every 30 calendar days for a period of one year. Any subsequent violation of the appeal restriction shall result in an extension of the restriction for an additional one-year period upon approval by the third level Appeals Chief.

You are currently on appeal restriction and are only allowed to submit one non-emergency appeal every 30 days.

K. Royal, Appeals Coordinator D. Gorbet, OT	Pelicen Bay Steto Friend
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NOTE: If you are required to respond/explain to this CDCR Form 695, use only the lines provided below.

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Be advised that you cannot appeal a rejected appeal, but should take the corrective action necessary and resubmit the appeal within the timeframes specified in CCR 3084.6(a) and CCR 3084.8(b). Pursuant to CCR 3084.6(e), once an appeal has been cancelled, that appeal may not be resubmitted. However, a separate appeal can be filed on the cancellation decision. The original appeal may only be resubmitted if the appeal on the cancellation is granted.

NOTE THIS COCR 695 IS A PERMANENT APPEAL ATTACHMENT AND IS NOT TO BE REMOVED

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 36 of 122

State of California . CDC FORM 695 Screening For: CDC 602 Inmate/Parolee Appeals CDC 1824 Reasonable Modification or Accommodation Request RE: Screening at the FIRST Level Friday, June 14, 2019 TRUILLO, AA2974 B 001 2238001L LEGAL, Processing of Appeals, 06/10/2019 Log Number: PBSP-A-19-00226 (Note: Log numbers are assigned to all appeals for tracking purposes. Your appeal is subject to cancellation for failure to correct noted deficiencies.) The enclosed documents are being returned to you for the following reasons: Your appeal has been rejected pursuant to the California Code of Regulations, Title 15, Section (CCR) 3084.4(g). You are on appeal restriction and are restricted to one nonemergency appeal every 30 calendar days for a period of one year. Any subsequent violation of the appeal restriction shall result in an extension of the restriction for an additional oneyear period upon approval by the third level Appeals Chief. You are currently on appeal restriction and are only allowed to submit one non-emergency appeal every 30 days. Your last appeal was accepted 6/5/19. Pelican Bay State Prison ALS 28 2019 K. Royal, Appeals Coordinator D. Landay, SSA Appeals Office I. DeWitt, SCR LT S. Williams, IAO OT Appeals Coordinator PBSP Appeals Office NOTE! If you are required to respond/explain to this CDCR Form 695, use only the lines provided below.

Be advised that you cannot appeal a rejected appeal, but should take the corrective action necessary and resubmit the appeal within the timeframes specified in CCR 3084.6(a) and CCR 3084.8(b). Pursuant to CCR 3084.6(e), once an appeal has been cancelled, that appeal may not be resubmitted. However, a separate appeal can be filed on the cancellation decision. The original appeal may only be resubmitted if the appeal on the cancellation is granted.

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NOTE THIS CDCR 695 IS A PERMANENT APPEAL ATTACHMENT AND IS NOT TO BE REMOVED

	Case 4:20-c	v-02714-HSG Do	cument 1, Filed	04/20/20 Page 37	of 122******
	CALIFORNIA DEPARTMENT OF COR	RECTIONS AND REHABILE	TATION	ON CONFIRMATIO	PELICAN BAY STATE PRISON
	INMATE NAME	CDCR NUMBER	HOUSING	APPEAL LOG#	TABE Score
	TRUILLO, GUILLERMO	AA2974	B8-106L	PBSP-B-19-02138	1.8
	A. DOES THE INM	TATE HAVE DIS	SABILITIES C	OR COMMUNICA	ATION ISSUES?
	 Reads and comprehence No disabilities or effect 	Is without assistance (a tive communication new ND #2 ARE BOTH Collity or effective communication assistance	sked inmate or conf eds found after revidence CHECKED, GO T	Firmed by past records). new of DECS & TABE/L TO SECTION B. SIG	earning Disability lists.
	B. APPEAL INTER				
	I. How was assistance pro Simple English spoken slov Read documents to inmate Inmate was wearing hearing Written notes used (notes at	vly & clearly \(\sum_{\text{\ti}\text{\texitile}\text{\texi}\text{\text{\text{\text{\text{\text{\text{\text{\text{\text{\ti}\text{\text{\text{\text{\text{\text{\text{\text{\text{\text{\ti}\text{\text{\text{\text{\text{\text{\text{\text{\text{\text{\text{\text{\text{\texi}\text{\text{\text{\text{\texi}\text{\text{\texi}\text{\text{\text{\texi{\texi{\texi{\texi}\text{\texit{\tetit{\texi}\texit{\texi}\til\texi{\texi{\texi{\texi{\texi{\t	nate stated no need ed text magnifier en language interpre nguage interpreter u	ter used; Name:	Large print material used Lip reading
	Other:	, —			
	2. How was effective communication achieved? Check all that apply. Inmate reiterated in his own words, what was explained. Inmate provided appropriate, substantive responses to questions asked. Inmate asked appropriate questions regarding the information provided. Inmate did not appear to understand the communication, even though the primary method of communication was used. Other:				
	K. ROYAL CCII		00		10/2/1/9
,	Printed Name & Title	Si	gnature		Date /
,		ETED RESPONS	SE AS DIRECT	SS PROVIDING A TED BY THE APP	
	C. APPEAL RESPO		EVEL		
	 How was assistance provided? Effective communication assistance was provided as identified in Section B, #1 of this form. How was effective communication achieved? Effective communication assistance was provided as identified in Section B, #2 of this form. Additional Comments: 				
,	Printed Name & Title	Sign	nature		Date
1	D. APPEAL RESPONSE - SECOND LEVEL 1. How was assistance provided? Effective communication assistance was provided as identified in Section B, #1 of this form. 2. How was effective communication achieved?				
Effective communication assistance was provided as identified in Section B, #2 of this form. Additional Comments:					
					Date
	Printed Name & Title	Sign	ature .		Date

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 39 of 122

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF APPEALS
P. O. BOX 94283
SACRAMENTO, CA. 94283-0001

THIRD LEVEL APPEAL DECISION

FEB 13 2010

Date:

re: Guillermo Truillo, AA2974 Kern Valley State Prison P.O. Box 6000 Delano, CA 93216

TLR Case No.: 1714-111

Local Log No.: PBSP-17-01742

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner M. Hodges, Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that on an unknown date Correctional Officer's I. Gillson, S. Bagley, Sherman, and both Control Booth Officers made verbal threats towards him such as planning out a way to get him involved in an altereation or group disturbance by provoking and inciting violence on the Facility "B" main yard with the purpose of using the Mini 14 rifle to kill him. Because he is on appeal restriction he submitted this information to the Office of Internal Affairs.

The appellant requests his allegation be investigated.

II SECOND LEVEL'S DECISION: The reviewer found no basis to grant the appeal. The review of the allegation of staff misconduct presented in the written complaint was completed and based upon this review the appellant's appeal was processed as an appeal inquiry. The inquiry included a review of the evidence, an evaluation of any interview conducted, and a review of pertinent documents and current policies, laws, and procedures. All staff personnel matters are confidential in nature. The appellant will only be notified whether the actions of staff were or were not in compliance with policy. The inquiry was completed and it was found that staff did not violate policy with respect to the issue appealed. The appeal was partially granted at the Second Level of Review (SLR) in that an inquiry was completed.

III THIRD LEVEL DECISION: Appeal is denied.

A. FINDINGS: Upon review of the documentation submitted, it was determined at the Third Level of Review (TLR) the appellant's allegations were appropriately reviewed and evaluated by administrative staff. All staff personnel matters are confidential in nature and will not be disclosed to other staff, the general public, the inmate population, or the appellant. If the conduct of staff was determined to not be in compliance with policy, the institution will take the appropriate course of action. In this case, the SLR informed the appellant that an inquiry was completed and disclosed the determination of the inquiry. While the appellant has the right to submit an appeal as a staff complaint, requests for: administrative action regarding staff; the placement of documentation in a staff member's personnel file; to reprimand staff, to remove staff from a position; and/or requests for monetary compensation, are beyond the scope of the appeals process.

The confidential inquiry was reviewed at the TLR. The Third Level Reviewer concurs with the determination of the SLR and finds that the institution's response complies with departmental policy and the appellant's staff complaint allegation was properly addressed. No relief is warranted at the TLR.

The appellant has added new issues and requests to the appeal. The additional requested action is not addressed herein as it is not appropriate to expand the appeal beyond the initial problem and the initially requested action (CDC Form 602, Inmate/Parolee Appeal Form, Sections A and B).

B. BASIS FOR THE DECISION: California Penal Code Section: 832.7, 832.8 Case 4:20-cv-027.14-HSG Document 1 Filed 04/20/20 Page 40 of 122

Office of Appeals

GUILLERMO TRUILLO, AA2974 CASE NO. 1714411 PAGE 2

C. ORDER: No changes or modifications are required by the Institution,

This decision exhausts the administrative remedy available to the appellant within CDCR.

M. HODGEY, Appeals Examiner Office of Appeals

...

Warden, KVSP

Appeals Coordinator, KVSP Appeals Coordinator, PBSP

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 41 of 122

STATE OF CALIFORNIA		DEPARTMENT OF CO	RRECTIONS AND REHABILITATION
INMATE/PAROLEE APPEAL CDCR 602 (REV. 03/12)			Side 1
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AA2974 conditions and the second seco	ns and Rehabilitation (CDCR) decision no other prescribed method of depi and this appeal and any supporting do tional space is needed, only one CDCR in for using the appeal process.	n, action, condition, policy of artmental review/remedy ave curnents to the Appeals Cook R Form 602-A will be accepted	r regulation that has a material
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A. Explain your issue (If you need more space, use \$	•	0 5 7019	REC'BY OOA
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B. Action requested (If you need more space, use Se	ction B of the CDCR 602-A): FF.B	اند عـ د	JUL 3 5 2019
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Supporting Documents: Refer to CCR 3084.3.	***************************************	· · · · · · · · · · · · · · · · · · ·	(1)
Yes, I have attached supporting documents.			* * · · · ·
List supporting documents attached (e.g., CDC 1083, Inm.	ate Property Inventory; CDC 128-G, Cl	essification Chrono):	Com
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STATE OF CALIFORNIA (APPENA: 20-CV-02714-HSG DOCUMENT CDCR 602 (REV. 03/12)	1 Filed 04/20/20 Page 42 of 122 side 2		
D. If you are dissatisfied with the First Level response, explain the reason befor processing within 30 calondar days of receipt of response. If you need more	ow, attach supporting documents and submit to the Appeals Coordinator space, use Section D of the CDCR 602-A.		
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Inmate/Parolee Signature:	Date Submitted :		
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Rejected (See attached letter for instruction) Date:	Date:		
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Your appeal issue is: ☐ Granted ☐ Granted ☐ Denied	Other:		
Your appeal issue is:	ponse consider Section F below.		
Interviewer: 5-1098v Title: 557 Signatur	e: Date completed 42/17		
Reviewer: Title; TDW Signatur			
Reviewer: Title; Signatur Date received by AC:			
Date revolved by AV.	AC Use Only Date malted/delivered to appellant//		
F. If you are dissatisfied with the Second Level response, explain roason below; attach supporting documents and submit by mail for Third Level Review. It must be received within 30 calendar days of receipt of prior response. Mail to: Chief, Inmate Appeals Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001. If you need more space, use Section F of the CDCR 602-A. 400000000000000000000000000000000000			
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G. Third Level - Staff Use Only	:		
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See attached Third Level response.	Third Level Use Only 1111 5 1 Vitt		
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H. Request to Withdraw Appeal: I request that this appeal be withdrawn from further review because; State reason. (If withdrawal is conditional, list conditions.)			
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Inmate/Parolee Signature:			
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INMATEIPAROLECARRE ALZOROV ADZĀĢUMĒTIG CDCR 602-A (REV. 03/12)	Document 1	Filed 04/20/20	Page 43 of 122	Side 1
D. Continuation of CDCR 602, Section D only (Dissatisfier	d with First Level res	ponse):		
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Inmate/Parolee Signature:		Date Sub	mitted:	
F. Continuation of CDCR 602, Section F only (Dissatisfied w	rith Second Level res	sponse):		
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 44 of 122

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Template Date 4/4/2012

Attachment E-1
Department of Corrections and Rehabilitation

Memorandum

Date : NOV () 7 2017

TO TRUILLO, AA2974

Kern Valley State Prison Short Term Restricted Housing

Cell 117

Subject: STAFF COMPLAINT RESPONSE - APPEAL #PBSP-O-17-01742 SECOND LEVEL RESPONSE

APPEAL ISSUE: You allege Correctional Officers (C/O) Adams, J. Gillson, S. Bagley, and Sherman are verbally threatening you and planning out a way to get you involved in an altercation to have you killed by the mini 14 rifle. You state you had to write a letter to the Office of Internal Affairs (OIA) because you are on appeal restriction.

All issues unrelated to the allegation of staff misconduct must be appealed separately and will not be addressed in this response. You do not exhaust administrative remedies on any unrelated issue not covered in this response or concerning any staff member not identified by you in this complaint. If you are unable to name all involved staff you may request assistance in establishing their identity.

DETERMINATION OF ISSUE: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal is: Being processed as an Appeal Inquiry.

You were interviewed on September 4, 2017, by O. Spencer, Correctional Sergeant, and stated you wanted the Facility B, Unit 8, staff you named and other unnamed staff questioned about their involvement in planning to have you assaulted.

Your appeal is PARTIALLY GRANTED in that: The Appeal Inquiry is complete, has been reviewed, and all issues were adequately addressed. No witnesses were interviewed as a result of your allegations. The following documents were reviewed as a result of your allegation: Letter addressed to the OIA Post Office Box 3009 Sacramento California 95812 dated as received June 14, 2017.

Staff: did did not violate CDCR policy with respect to the issues appealed.

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE.

- As such, the details of any inquiry will not be shared with staff, members of the public, or offender appellants.
- Although you have the right to submit a staff complaint, a request for administrative action
 regarding staff or the placement of documentation in a staff member's personnel file is
 beyond the scope of the staff complaint process. A variety of personnel actions may be
 initiated by the Department based upon the content of your complaint and the outcome of
 any investigation or inquiry conducted as a result of your complaint.

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 46 of 122

Template Date 4/4/2012

Attachment E-1

Page 2

 Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process.

If you wish to appeal the decision and/or exhaust administrative remedies, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's/Third Level of Review. Once a decision has been rendered at the Third Level, administrative remedies will be considered exhausted.

Sign:

∸√Date: _

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 47 of 122

Altachment E-1
Department of Corrections and Rehabilitation

State of California

Memorandum

Date: September 5, 2017

To : 7

Truillo, AA2974

B4-217L

Pelican Bay State Prison

Subject:

STAFF COMPLAINT RESPONSE - APPEAL # PBSP-O-17-01742 FIRST LEVEL

RESPONSE

APPEAL ISSUE: You allege various correctional officers have made verbal threats to you such as planning to get you involved in a physical altercation or group disturbance on the facility.

All issues unrelated to the allegation of staff misconduct must be appealed separately and will not be addressed in this response. You do not exhaust administrative remedies on any unrelated issue not covered in this response or concerning any staff member not identified by you in this complaint. If you are unable to name all involved staff you may request assistance in establishing their identity.

DETERMINATION OF ISSUE: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal is being processed as an Appeal Inquiry.

You were interviewed on September 4, 2017 by O. Spencer, Correctional Sergean, During the interview, you stated you wanted the B8 staff which you named and other unnamed staff questioned about their involvement planning to have you assaulted.

Your appeal is PARTIALLY GRANTED in that the Appeal Inquiry is complete, has been reviewed, and all issues were adequately addressed.

The following witnesses were questioned: No witnesses were listed by you.

Staff: did did not violate CDCR policy with respect to one or more of the issues appealed.

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE.

- As such, the details of any inquiry will not be shared with staff, members of the public, or offender appellants.
- Although you have the right to submit a staff complaint, a request for administrative
 action regarding staff or the placement of documentation in a staff member's
 personnel file is beyond the scope of the staff complaint process. A variety of
 personnel actions may be initiated by the Department based upon the content of

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 48 of 122

Attachment E-1

Page 2

your complaint and the outcome of any investigation or inquiry conducted as a result of your complaint.

 Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process.

If you wish to appeal the decision and/or exhaust administrative remedies, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's/Third Level of Review. Once a decision has been rendered at the Third Level, administrative remedies will be considered exhausted.

Print: O. SPENCER	FUSign: R.Amis (+ 6)	Date:	9/8/17
Interviewer			
			, ,
Print: R. K. BELL	Sign:	Date:	9/12/17
Reviewing Authori			7

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 49 of 122

DEPARTMENT OF CORRECTIONS AND REHABILITATION

STATE OF CALIFORNIA RIGHTS AND RESPONSIBILITY STATEMENT CDCR 1658 (Rev. 10/06)

RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections and Rehabilitation has added the department language (shown inside brackets, in non-boldface type) for clarification purposes.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental peace officer must read, sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or inmates'/parofees'] COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate/parolee] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

COMPLAINANT'S PRINTED NAME	DOMPLAJNANT S'SIGNATURE	DATE SIGNED	
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INMATE/PAROLEE PRINTED NAME	VINNATEIPAROLEE'S SIGNATURE	COC NUMBER	DATE SIGNED
TRUILLO, G	I willed in jurgette	AA2974	9/05/17
RECEIVING STAFF'S PRINTED NAME	RECEIVING STAFF'S SIGNATURE	DATE SIGNED	
SPENCER, O.	Car De Salar	9/05/17	

DISTRIBUTION:
ORIGINAL Public - Institution Head/Parole Administrator
Inmate/Parolee - Attach to CDC form 602
Employee - Institution Head/Parole Administrator
COPY - Complainant

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 50 of 122

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Other:	ichea) [] L	anguage interpreter	used; Name:				
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Inmate provided appropriate,	substantive respons	es to questions aske	d.				
Inmate asked appropriate que	stions regarding the	information provid	ed.				
Inmate did not appear to under Other:	erstand the commun	ication, even though	the primary method of co	mmunication was used.			
O. SPENCER SGT				9/05/17			
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 51 of 122

EXHIBIT C

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 52 of 122

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF APPEALS
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

THIRD LEVEL APPEAL DECISION

Date:

In re:

Guillermo Truillo, AA2974 Kern Valley State Prison P.O. Box 6000 Delano, CA 93216

TLR Case No.: 1815206

Local Log No.: PBSP-18-02677

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner J. Knight, Captain. All submitted documentation and supporting arguments of the parties have been considered.

- APPELLANT'S ARGUMENT: It is the appellant's position Correctional Officer's B. Calvin, T. Olney, I. Mendez, and control booth COs (John Doe), working in Facility B Unit B2 have been provoking and inciting violence upon him. The appellant alleges that anonymous immate resources are being used to scream his name and other disrespectful comments in an effort to provoke him to violence. The appellant also alleges that the officers listed in the appeal have made verbal threats toward him stating they want him dead, assaulted, and stabbed at Pelican Bay State Prison (PBSP). The appellant contends this is in retaliation for reporting serious misconduct by staff in the past and is an ongoing problem at PBSP. The appellant requests for his complaint to be properly investigated by Office of Internal Affairs; and for the identified staff to take a polygraph test if the deny the allegations made against them.
- 11 SECOND LEVEL'S DECISION: The Second Level of Review (SLR) identified and addressed the appellant's allegations of staff misconduct. The reviewer documented that an appropriate supervisory staff member was assigned to conduct an inquiry into this matter. The inquiry included a review of the evidence and an evaluation of any interview conducted. In order to determine the facts, the inquiry also included a review of pertinent documents, current policies, laws, and procedures. The SLR noted that all staff personnel matters are confidential in nature, and that the appellant would only be notified whether the actions of staff were or were not in compliance with policy. The SLR found that staff did not violate policy as alleged. The SLR partially granted the appeal in that an inquiry was conducted.
- III THIRD LEVEL DECISION: Appeal is denied.
 - A. FINDINGS: Upon review of the documentation submitted, the Third Level of Review (TLR) finds that the appellant's allegations were appropriately reviewed and evaluated by administrative staff. The TLR notes that all staff personnel matters are confidential in nature and will not be disclosed to other staff, the inmate population, the general public, or the appellant. The appellant was informed that if the conduct of staff was determined to not be in compliance with policy, the institution would take the appropriate course of action. In this case, the SLR informed the appellant that an inquiry was completed and disclosed the determination of the inquiry to the appellant. The TLR reviewed the confidential inquiry and concurs with the determination of the SLR. The TLR notes that, while the appellant has the right to submit an appeal as a staff complaint, requests for: administrative action regarding staff; the placement of documentation in a staff member's personnel file; to reprimand staff; to remove staff from a position; and/or requests for monetary compensation are beyond the scope of the appeals process. The TLR finds the institution's response complies with Departmental policy, and the appellant's staff complaint allegations were properly addressed. Therefore, no further relief shall be afforded at the TLR.

The appellant has added new issues and requests to the appeal. The additional requested action is not addressed herein as it is not appropriate to expand the appeal beyond the initial problem and the initially requested action (CDC Form 602, Inmate/Parolec Appeal Form, Sections A and B).

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 53 of 122

GUILLERMO TRUILLO, AA2974 CASE NO. 1815206 PAGE 2

> B. BASIS FOR THE DECISION: California Penal Code Section: 832.7, 832.8 California Code of Regulations, Title 15, Section: 3000, 3001, 3002, 3004, 3005, 3084, 3084.1, 3084.5, 3084.7, 3270, 3271, 3380, 3391

C. ORDER: No changes or modifications are required by the institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.

J. KNIGHT, Appeals Examiner Office of Appeals

cc: Warden, KVSP
Appeals Coordinator, KVSP
Appeals Coordinator, PBSP

M. VOONG, Chief Office of Appeals

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 54 of 122

STATE OF CALIFORNIA INMATE/PAROLEE APPEAL		DEPARTMENT OF CO	DRRECTIONS AND REHABILITATION
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 56 of 122

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INMATE/PAROLEE-APPEAL AUROVAUTAGHMENE CDCR-0602-A (REV. 03/12)	G Document 1 Filed 04/20/20	Page 57 of 122 side
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 58 of 122

3004. Rights and Respect of Others.

(a) Inmates and paroless have the right to be treated respectfully, impartially, and fairly by all employees. Inmates and paroless have the responsibility to treat others in the same manner. Employees and inmates may use first names in conversation with each other advantities or autually accordable to both parties.

when it is mutually acceptable to both parties.

(b) Inmates, paroless and employees will not openly display disrespect or contempt for others in any manner intended to or reasonably likely to disrupt orderly operations within the institutions or to incite or provoke violence.

(e) Inmates, paroles and employees will not subject other persons to any form of discrimination because of race, religion, na-tionality, sex, political belief, age, or physical or mental handicap. HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day therenfier (Register 77, No. 9).

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 59 of 122

Attachment E-1
Department of Corrections and Rehabilitation

State of California

Memorandum

Date

001 2 1 200

To

TRUJILLO, AA2974

B2-129L

Pelican Bay State Prison

Subject:

STAFF COMPLAINT RESPONSE - APPEAL # PBSP-A-18-02677 SECOND LEVEL RESPONSE

APPEAL ISSUE: You allege that C. Case, Correctional Officer; C. Cena, Correctional Officer; D. Nelson, Correctional Officer; B. Calvin, Correctional Officer; T. Olney, Correctional Officer; and I. Mendez, Correctional Officer with control booth officers (John Doe), working in Facility B Unit B2 have been provoking and inciting violence upon you. You contend that anonymous inmate resources are being used to scream your name and other disrespectful comments in an effort to provoke you to violence. You allege that the officers listed in the appeal have made verbal threats toward you stating they want you dead, assaulted, and stabbed at Pelican Bay State Prison (PBSP). You further contend this is in retaliation for reporting serious misconduct by staff in the past and is an ongoing problem at PBSP.

All issues unrelated to the allegation of staff misconduct must be appealed separately and will not be addressed in this response. You do not exhaust administrative remedies on any unrelated issue not covered in this response or concerning any staff member not identified by you in this complaint. If you are unable to name all involved staff you may request assistance in establishing their identity.

DETERMINATION OF ISSUE: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal is being processed as a Staff Complaint.

You were interviewed on October 8, 2018, by J. R. McBride, Correctional Lieutenant. During the Interview, you reiterated information contained within the body of the appeal. You stated the contents of the appeal are accurate, and did not wish to add anything.

Your appeal is PARTIALLY GRANTED in that the Appeal Inquiry has been reviewed, and all Issues were adequately addressed.

Staff: $did \square did not \boxtimes$ violate CDCR policy with respect to one or more of the issues appealed.

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 60 of 122

Attachment E-1

Page 2

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE.

- As such, the details of any inquiry will not be shared with staff, members of the public, or offender appellants.
- Although you have the right to submit a staff complaint, a request for administrative
 action regarding staff or the placement of documentation in a staff member's personnel
 file is beyond the scope of the staff complaint process. A variety of personnel actions
 may be initiated by the Department based upon the content of your complaint and the
 outcome of any investigation or inquiry conducted as a result of your complaint.
- Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process.

If you wish to appeal the decision and/or exhaust administrative remedies, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's/Third Level of Review. Once a decision has been rendered at the Third Level, administrative remedies will be considered exhausted.

Print: J. MCBRIDE Sign: 4 Date: 10/19/18

Print: JIM ROBERTSON Sign: Date: 13/03/18

STATE OF CALIFORNIA RIGHTS AND RESPONSIBILITY STATEMENT CDCR 1958 (Rev. 10/06)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections and Rehabilitation has added the department language (shown inside brackets, in non-boldface type) for clarification purposes.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental peace officer must read, sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or inmates'/parolees'] COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE, THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate/parolee] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

COMPLAINANT'S PRINTED NAME TRUJILLO	COMPLAINANT'S SIGNATURE	DATE SIGNED /U - /5" -/5"
INMATE/PAROLEE PRINTED NAME TRUJILLO	INMATEIPAROLEE'S SIGNATURE	AA2974 DATE SIGNED
RECEIVING STAFF'S PRINTED NAME J. R. MCBRIDE	RECEIVING STAFF'S SIGNATURE	DATE SIGNED 10/8/18

DISTRIBUTION:
ORIGINAL Public - Institution Head/Parole Administrator
Inmate/Parolee - Altach to CDC form 602
Employee - Institution Head/Parole Administrator
COPY - Complainant

Case 4:20-cv-02714-HSG Document 1, Filed 04/20/20 Page 62 of 122

CALIFORNIA DEPARTMENT OF CORRECTIONS AND RE APPEALS EFFECT		CATION CONFIRM	PELICAN BAY STATE PRE MATION	SON		
INMATE NAME CDCR NUMI	BER HOUSIN	IG APPEAL LO	G# TABE Score			
TRUJILLO AA2974	Z-117L	PBSP-A-18-02	2674 1,8	,		
A. DOES THE INMATE HAV	E DISABILIT	IES OR COMMI	INICATION ISSUES?	,		
1. Reads and comprehends without assista						
2. No disabilities or effective communication needs found after review of DECS & TABE/Learning Disability lists						
STOP! IF ITEMS #1 AND #2 ARE B						
3. A Identified with a disability or effective						
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Foreign language, speaking	Speech	EOP	CCCMS			
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B. APPEAL INTERVIEW						
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Written notes used (notes attached)		preter used; Name:				
Other:						
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Inmate provided appropriate, substantive re	sponses to question	s asked, provided				
Inmate did not appear to understand the con	iniunication, even	though the primary met	hod of communication was us	ed.		
Other:						
J. R. MCBRIDE, LT.	JR-MV-	0 45	10/8/18 Date			
Printed Name & Title	Signature		Date			
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D. APPEAL RESPONSE - SEC	OND LEVEL					
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 63 of 122

EXHIBIT D

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 64 of 122

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF APPEALS
P. O. BOX 94283
SACRAMENTO, CA. 94283-0001

THIRD LEVEL APPEAL DECISION

Date:

OCT 0 2 2019

In re:

Guillermo Truillo, AA2974 North Kern State Prison P.O. Box 567 Delano, CA 93215-0567

TLR Case No.: 1908470

Local Log No.: PBSP-19-01924

This matter was reviewed on behalf of the Secretary of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner J. Knight, Captain. All submitted documentation and supporting arguments of the parties have been considered.

- I APPELLANT'S ARGUMENT: It is the appellant's position that his appeal log number Pelican Bay State Prison (PBSP)-19-00275 / Third Level of Review (TLR) log number 1901924 was inappropriately cancelled at the TLR. The appellant alleges that he was never contacted at San Quentin State Prison regarding Investigative Services Unit (ISU) Correctional Sergeant (Sgt.) Anderson wanting to conduct a telephone interview. The appellant contends that Sgt. Anderson used this alibi and false statements that the appellant refused to participate in the telephonic interview the same day for three different appeals. The appellant asserts this action was taken in bad faith so he would not be able to exhaust administrative remedies. The appellant request for Sgt. Anderson to stop making false allegations that the appellant refused to participate in a telephone investigation interview and for his CDC Form 602, Inmate/Parolee Appeal Form to be bypassed.
- II EXAMINER'S DECISION: The Office of Appeals (OOA) Examiner found the appellant refused to be interviewed regarding his filed appeal. On February 2, 2019, due to the appellant 's out-to-court status and housing at San Quentin State Prison, Pelican Bay State Prison ISU Sgt. J. Anderson attempted to interview the appellant telephonically. However, the appellant refused to participate in the telephonic interview. Based upon the aforementioned the appellant's appeal was cancelled at the TLR.
- III THIRD LEVEL DECISION: Appeal is denied.
 - A. FINDINGS: The TLR analyzed the issues of the appellant's appeal and reaffirms the OOA Examiners conclusions as addressed within the appellant's cancelled appeal. The appellant has not submitted evidence or documentation to support his contention that he was not informed of or refused to participate in an appeal investigation interview with Sgt. Anderson. The appellant's refusal to participate in the appeal investigation interview was documented on a CDC Form 128-B, General Chrono authored by Correctional Officer B. Diggle. The TLR notes the action taken by the OOA Examiner was appropriate. Relief at the TLR is not warranted.

The appellant has added new issues and requests to the appeal. The additional requested action is not addressed herein as it is not appropriate to expand the appeal beyond the initial problem and the initially requested action (CDC Form 602, Inmate/Parolee Appeal Form, Sections A and B).

B. BASIS FOR THE DECISION: California Code of Regulations, Title 15, Section: 300

California Code of Regulations, Title 15, Section: 3000, 3000.5, 3001, 3002, 3004, 3005, 3022, 3084, 3084.1, 3084.2, 3084.3, 3084.4, 3084.5, 3084.6, 3084.7, 3084.8, 3084.9, 3190, 3193, 3270, 3271, 3380, 3391

C. ORDER: No changes or modifications are required by the institution.

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 65 of 122

GUILLERMO TRUILLO, AA2974 CASE NO. 1908-170 PAGE 2

This decision exhausts the administrative remedy available to the appellant within CDCR.

J. KNIGHJI, Appeals Examiner Office of Appeals

Warden, NKSP

Appeals Coordinator, NKSP Appeals Coordinator, PBSP

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 66 of 122

STATE OF CALIFORNIA INMATE/PAROLEE APPEAL		DEPARTMENT OF CO	DRAECTIONS AND REHABILITATION
CDCR 602 (REV. 03/12)			Side 1
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1908470		19-01921	4 (10)
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See attached letter. If dissatisfied with f			
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 67 of 122

STATE OF CALIFORNIA INMATE/PAROLEE APPEAL FORM ATTACHMENT CDCR 602-A (REV. 03/12)		DEPARTMEN	T OF CORRECTIONS AND REHABILITATIONS SIDE
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Attach this form to the CDCR 602, only if more space is needed Appeal is subject to rejection if one row of text per line is exceeded Name (Leaf First). TRUTELLO GNELLERMO CREVE A. Continuation of CDCR 802, Section A only (Explain your Issue) TNTERVIEW TRIVESTICATION ON FEBRUARY SIN QUANTEN STATE PRISSON FOR-OUT-TO- ARE ALL FALSE ALLEGATIONS HABE BY LOTA RAMDS DETRIUSE I WAS NAVER SWEEKIN 13, WENTEN THAT I AMPSELIANT HAD A TELEGISTE TRUESTICATION SERVICES SOIT. T. MUDITISM MECTSTON PASPANSE, I BELIEVE SOIT. T. MUDITISM FALSE SITTEMENTS THAT I APPELLANT RETE	MRITE, PRINT, OF COO Number AP. 2974 T. ANDERSON T 1-02-2013, WHILE COURT PROCE I SOFT TANDER I PRISON CHIEF WITE INTERVIEN CRESON USED THE USED TO PARTIE	02-A may be used. TYPE CLEARLY In b Unit Coll Number: 134-223 ELEPHONIC THE SINGS. THE PSON AND T. CTALS AT SON UNITED CANCELLY THE CANCELY THE CANCELLY THE CANCELLY THE CANCELLY THE CANCELLY THE CA	Assignment // / / / / / / / / / / / / / / / / /
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 68 of 122

DEPARTMENT OF CORRECTIONS AND REHABILITATION DEFICE OF APPEALS P. O. BON 942883 ... SACRAMENTO, CA 94283-0001

Date: .

排行網

In re:

Guillermo Truillo, AA2974 North Kern State Prison P.O. Box 567 Delano, CA 93216-0567

TLR CASE NUMBER:

1901924

LOCAL LOG NO.:

PBSP-19-00275

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner M. Hodges, Captain.

This appeal is being canceled in accordance with California Code of Regulations, Section 3084.6, Rejection, Cancellation, and Withdrawal Criteria. The appellant refused to be interviewed or cooperate.

On February 2, 2019, due to the appellant's out-to-court status and housing at San Quentin State Prison, Pelican Bay State Prison Investigative Services Unit Correctional Sergeant J. Anderson attempted to interview the appellant telephonically. However, the appellant refused to participate in the telephonic interview.

Pursuant to CCR 3084.6(e), once an appeal has been cancelled, the appeal may not be resubmitted. However, a separate appeal can be filed on the cancellation decision. The original appeal may only be resubmitted if the appeal of the cancellation is granted.

T. RAMOS, Chief (A)

Office of Appeals

Warden, NKSP Appeals Coordinator, NKSP Appeals Coordinator, PBSP

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 69 of 122

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STATE OF CALIFORNIA		DEPARTMENT OF C	ORRECTIONS AND REHABILITATION
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	4 1 1 1	FOR STAFF USE	ONLY
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Name (Last, First):	CDC Number;	Util/Cell Number:	Assignment:
TRUJICLO, GUILLERMO CRUZ	*AA 2974	FA-A6-115	W/A
State briefly the subject of your appeal (Example: damaged TV, jo	b removal, etc.):		Pelican Bay State Prison
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See attached letter. If dissatisfied with First Leve	el response, complete Sec	ction D.	1
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Date received by AC:	_		
		AC Use Only	

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 70 of 122

STATE OF CALIFORNIA	DEPARTMENT OF	CORRECTIONS AND REHABILITATION
INMATE/PAROLEE APPEAL FORM ATTACHMENT CDCR-0602-A (REV. 03/12)		Side 1
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 71 of 122

Attachment E-1
Department of Corrections and Rehabilitation

State of California

Memorandum

Date: February 8, 2018

To: TRUILLO, GUILLERMO, # AA2974

Z02001A1-104001L, Kern Valley State Prison

Subject: STAFF COMPLAINT RESPONSE - APPEAL # PBSP-O-19-00275 SECOND LEVEL RESPONSE PREA Log number assigned PBSP-PREA-19-02-005

APPEAL ISSUE:

TRUILLO submitted a CDCR 22 Form to appeals wherein TRUILLO claimed he submitted a CDCR 602 on June 19, 2018 relative to being touched in the genitals by female staff. The CDCR 22 Form was received on the day TRUILLO left PBSP on "out to court" status.

All issues unrelated to the allegation of staff misconduct must be appealed separately and will not be addressed in this response. You do not exhaust administrative remedies on any unrelated issue not covered in this response or concerning any staff member not identified by you in this complaint. If you are unable to name all involved staff you may request assistance in establishing their identity.

DETERMINATION OF ISSUE:

A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal is:

> The allegations are being investigated per Prison Rape Elimination Act (PREA) policy.

Your appeal is PARTIALLY GRANTED in that:

TRUILLO's appeal has been referred by the hiring authority to a trained investigator to determine whether the evidence warrants an investigation. After the determination has been made, your complaint will be processed accordingly and you will be notified of the outcome.

An attempt was made to interview TRUILLO telephonically on Saturday, February 2, 2019 by Investigative Services Unit (ISU) Officer B. Diggle while you were housed at San Quentin State Prison. TRUILLO refused to participate in the telephonic interview (see 128B dated 2/2/2019) authored by Officer B. Diggle.

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 72 of 122

TRUILLO AA2974

Attachment E-1

Page 2

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE.

- As such, the details of any inquiry will not be shared with staff, members of the public, or offender appellants.
- Although you have the right to submit a staff complaint, a request for administrative
 action regarding staff or the placement of documentation in a staff member's personnel
 file is beyond the scope of the staff complaint process. A variety of personnel actions
 may be initiated by the Department based upon the content of your complaint and the
 outcome of any investigation or inquiry conducted as a result of your complaint.
- Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process.

If you wish to appeal the decision and/or exhaust administrative remedies, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's/Third Level of Review. Once a decision has been rendered at the Third Level, administrative remedies will be considered exhausted.

Print: J. Anderson, Sergeant, ISU Sign:

Date: 2/8/2019

Print: Sign: Date: 2/8/2019

Reviewing Authority

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 73 of 122

STATE OF CALIFORNIA		DEPARTMENT OF	CORRECTIONS AND REHABILITATION
INMATE/PAROLEE APPEAL CDCR 602 (REV. 03/12)	,		Side I
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AA2974	and Rehabilitation (CDCR) decision		
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STATE OF CALIFORNIA INMATE/PAROLEE CAREA 4:20-cv-02714-HSG Document CDCR 602 (REV. 03/12)	1 Filed 04/20/20 Page 74 of 122 Side 2
D. If you are dissatisfied with the First Level response, explain the reason be for processing within 30 calendar days of receipt of response. If you need more	low, attach supporting documents and submit to the Appeals Coordinator a space, use Section D of the CDCR 602-A.
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 75 of 122

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RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections and Renadillation has poded the decarment language (should inside or pakets) in notification for distribution publishes.

Pursuant to Fenal Code 143.6, anyone wishing to file an allegation of misconduct by a departmental peace officer must read sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER (INSTITUTE AGAINST A POLICE OFFICER (INSTITUTE AGAINST A POLICE OFFICER CONDUCT, CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS: (or intrest/parcises), COMPLAINTS, YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENDUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. (ITIZEN (or inmais parcise) COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

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Employee - Institution.Head/Parole.Administrator
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 77 of 122

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 78 of 122

ASU2. 159

INMATE APPEAL ROUTE SLIP

To: ISU

Date: February 11, 2019

From: INMATE APPEALS OFFICE

Re: Appeal Log Number PBSP-O-19-00275 By Inmate TRUILLO, AA2974

Please assign this appeal to appropriate staff for SECOND level response.

Appeal Issue: STAFF COMPLAINTS

Due Date: 03/14/2019

Special Needs: CCCMS - TRIPLE CMS, E. C. REQUIRED

STAFF INSTRUCTIONS:

Second level appeals require a personal interview if not afforded at the first level. Begin your response with: GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return to Appeals Office. Appeals that are incomplete will be returned to the responding staff for appropriate completion. Refer to D.O.M. 54100 for instructions.

	K. Royal, Appeals Coordinator
	D. Landay, SSA
	T. Buchanan, SCR LT.
	I. DeWitt
ppe	eals Coordinator
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 79 of 122

EXHIBIT E

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 80 of 122

STATE of CALIFORNIA

OFFICE of the
INSPECTOR GENERAL

Ray W. Wasley, Inspector General Bryan B. Beyer, On of Deputy Inspector General

Regional Offices

Parcha Curamanga

Sagramento Bakerstoff

September 23, 2019

Guillermo Trujillo, AA2974 Deuel Vocational Institution P.O. Box 600 Tracy, CA 95378-0600

Dear Guillermo Trujillo,

The Office of the Inspector General (OIG) received your correspondence on November 19 and December 3, 2018. We also received correspondence from you on April 8 and June 10, 2019. We have conducted a review into the issues you raised. Based on our review of your complaint, we determined that no further intervention is warranted by our office at this time. We apologize for our delay in responding to your correspondence.

When conducting our reviews, we document and review the alleged activity, review applicable policies and procedures, and request additional documentation from the California Department of Corrections and Rehabilitation (CDCR), as needed. Our reviews may also require us to request an inmate appeals tracking system report from the department to ensure that inmates have access to formal administrative remedies.

We also attempt to determine if you have attempted to obtain resolution to your complaint by filing a CDCR Form 22, Inmate/Parolee Request for Interview, Item or Service or CDCR 1824, Request for Reasonable Accommodation. If your request was unsuccessful, we encourage you to utilize your available administrative grievance remedies by filing a CDCR 602, Inmate/Parolee Appeal form. You should continue the administrative grievance process until you have received a final decision by the CDCR's third level of review. If you have received a response by the third level of review and believe the department failed to appropriately address your concerns, you may choose to resubmit your complaint to our office and include the reasons why the department's response was inappropriate.

The OIG is an independent State of California government agency established by law. Our primary responsibility is the independent oversight of California's youth and adult correctional agencies, including the CDCR, the Board of Parole Hearings, and the Prison Industry Authority. As part of our statutory mandates, the OIG oversees the internal affairs investigations and employee disciplinary process of the CDCR, monitors CDCR's use-of-force review process, and conducts reviews of the department's policies, practices, and procedures. The OIG is not an investigative agency and does not conduct independent investigations, provide legal advice, or pursue legal actions on behalf of inmates.

If you have safety concerns you should notify staff immediately.

Thank you for bringing your concerns to our attention.

INTAKE AND REVIEW UNIT Office of the Inspector General ML: 18-0027942-PI

Gavin Newsom, Governor





Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 81 of 122

EXHIBIT F

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION OFFICE OF APPEALS P. O. BOX 942883 SACRANIENTO, CA 94283-0001

THIRD LEVEL APPEAL DECIS® manned at CDCR and E-Mailed

Date

JUN 1 3 2013

on 7/26/14 by 31/4

(initials)

In re:

Guillermo Truillo, AA2974 North Kern State Prison P.O. Box 567 Delano, CA 93216-0567

Number of pages scanned: 71

TLR Case No.: 1901944

Local Log No.: PBSP-19-00278

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner M. Hodges, Captain. All submitted documentation and supporting arguments of the parties have been considered.

APPELLANT'S ARGUMENT: It is the appellant's position that on January 19, 2019, Correctional Officer. (CO) Gutierrez conducted a clothed body search on him and inappropriately "cupped my genitals grasping at them causing pain then ran his right hand palm in between my buttocks skipping his fingers in between my two buttcheeks to offend and humiliate my dignity." CO Gutierrez then made unprofessional statements that "he never felt anything in between my legs" and that the "clothed search was done for the white girls female staff for writing them up on employee sexual harassment and the (indecipherable) of me exposing my genitals to his female coworkers."

The appellant requests an Internal Affairs investigation

- II SECOND LEVEL'S DECISION: The reviewer found no basis to grant the appeal. A review of the allegation of staff misconduct presented in the written complaint was completed and based upon this review the appellant's appeal was referred for an allegation investigation. The appeal was partially granted in that the appeal has been referred by the hiring authority to a trained investigator to determine whether the evidence warrants an investigation. After the determination has been made, the appellant's complaint will be processed accordingly and he will be notified of the outcome.
- HI THIRD LEVEL DECISION: Appeal is denied.
 - A. FINDINGS: It is noted that although Section "B" of this appeal is labeled, "Action requested...." the appellant inappropriately continued his written argument from Section "A" into Section "B." The information provided in Section "A" of the CDC Form 602, Inmate/Parolee Appeal Form is considered an explanation of the issue.

Upon review of the documentation submitted, it was determined at the Third Level of Review (TLR) that the appellant's allegation was appropriately reviewed and evaluated by administrative staff. All staff personnel matters are confidential in nature and will not be disclosed to other staff, the general public, the inmate population, or the appellant. If the conduct of staff was determined to not be in compliance with policy, the institution will take the appropriate course of action. In this case, the Second Level of Review informed the appellant that an allegation inquiry by the Investigative Services Unit is pending. While the appellant has the right to submit an appeal as a staff complaint, requests for administrative action regarding staff; the placement of documentation in a staff member's personnel file; to reprimand staff; to remove staff from a position; and/or requests for monetary compensation, are beyond the scope of the appeals process. Contact with the Pelican Bay State Prison (PBSP) Investigative Services Unit staff provided information that the allegation inquiry is pending. No relief is warranted at the TLR.

The appellant has added new issues and requests to the appeal. The additional requested action is not addressed herein as it is not appropriate to expand the appeal beyond the initial problem and the initially requested action (CDC Form 602, Inmate/Parolee Appeal Form, Sections A and B).

B. BASIS FOR THE DECISION: California Penal Code Section: 832.7, 832.8 Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 83 of 122

GUILLERMO TRUILLO, AA2974 CASE NO. 1901944 PAGE 2

California Code of Regulations, Title 15, Section: 3004, 3084.1, 3391 CDCR Operations Manual, Section: 34100.4

C. ORDER: No changes or modifications are required by the Institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.

M. HODGES, Appeals Examiner
Office of Appeals

cc: Warden, NKSP
Appeals Coordinator, NKSP
Appeals Coordinator, PBSP

T. RAMOS, Chief (A) Office of Appeals

on 712619 by TIC (date) (initials)

Number of pages scanned: 71

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 84 of 122

STATE OF CALIFORNIA	t	DEPARTMENT OF CO	PRRECTIONS AND REHABILITATION
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INMATE/PAROLEE APPEAL CDCR-0602 (REV. 05-4)SE 4:20-cv-02714-HSG Document	L Filed 04/20/20 Page 85 of 122 Side 2
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 86 of 122

DEPARTMENT OF CORRECTIONS AND REHABILITATION STATE OF CALIFORNIA INMATE/PAROLEE APPEAL FORM ATTACHMENT 32 CDCR-0602-A (REV. 03/12) IAB USE ONLY Institution/Parole Region Calegory: Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used. WRITE, PRINT, or TYPE CLEARLY in black or blue link. Appeal is subject to rejection if one row of text per line is exceeded. TRUTTLEO, GUILLERMU CREVZ Pelican Bay State Prison A. Continuation of CDCR 602, Section A only (Explain your issue) : Towersaid WAS NONE ASTAL SHORY SHIPE SON SHIP OR OUT OF HIS AN SHOURE RISK ARENS. Appeals Office SMORT AND BLOZ STATE T-SHURT () HIS KINDERS IN DISTUREN MY TWO BUTTOMETERS TO DIGNITY, NETER WESTERN OU STERNET, STAIRS CONDUCTING HES BENTHES 1,1,1 SEMPSH HE SIMPLED MAKETHE SAPENTESS FOUND STATSMENTS THAT HE NEVER FOLY MY THING IN BUTUSTAL MY LEGS, - BELSING THESE STREETS BY OFFICER GUTTERRED MAS PLYIN THE INVENTION TO SMEARRASS MENT THAT I DON'T HAVE MY CONSTRES WHAT SO EVER, 45 ALSO MADE THE PALLS, LIKE SINTEMENT'S THAT WAS DONE FOR THE WHATE CIRLS FUNDLE STAFF, FOR WAITING ever are leaves. is si asion up a D.C. P. poisty part; TITLE 15 SECTION ים צות לוו ושינו שות בותו שועל דיד בעוד ענים בות עדות עודה בות 11 INMAYE AS OFFERESING AND JAN 3 1 2019 MAR 1 1 2019 Date Submitted: 01-19-2019 Inmate/Parolee Signature: B. Continuation of CDCR 602, Section B only (Action requested): OF SEC ALCECTARIONS MADE ACCUSING THIS POLYCOMEN ENAMBLIANTON SIMIL NOT DE WES AS AN ACTUMATIVE TO SINTERMENTS OF HIMESTY. THE IS SECTION 32 83 (1) 9(b) payers AN Scanned at CDCR and E-Mailed (initials) Number of pages scanned: 7/ 01-19-2019 Date Submitted: inmate/Parolee Signature:

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 87 of 122

Attachment E-1

Department of Corrections and Rehabilitation

State of California

Memorandum

Date: February 8, 2018

TRUILLO, GUILLERMO, # AA2974

Z02001A1-104001L, Kern Valley State Prison

Subject: STAFF COMPLAINT RESPONSE - APPEAL # PBSP-A-19-00278 SECOND LEVEL RESPONSE PREA Log number assigned PBSP-PREA-19-02-008

APPEAL ISSUE:

TRUILLO submitted a CDCR 602 Form to appeals wherein TRUILLO alleged staff inappropriately touched his genitals and buttocks during a clothed body search. TRUILLO further alleged that the staff member made inappropriate comments concerning TRUILLO's genitals.

All issues unrelated to the allegation of staff misconduct must be appealed separately and will not be addressed in this response. You do not exhaust administrative remedies on any unrelated issue not covered in this response or concerning any staff member not identified by you in this complaint. If you are unable to name all involved staff you may request assistance in establishing their identity.

DETERMINATION OF ISSUE:

A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal is:

> The allegations are being investigated per Prison Rape Elimination Act (PREA) policy.

Your appeal is PARTIALLY GRANTED in that:

> TRUILLO's appeal has been referred by the hiring authority to a trained investigator to determine whether the evidence warrants an investigation. After the determination has been made, your complaint will be processed accordingly and you will be notified of the outcome.

TRUILLO was telephonically interviewed on Thursday, February 7, 2019 at approximately 1515 hours by Investigative Services Unit (ISU) Sergeant J. Anderson. TRUILLO relterated the allegations contained within the submitted appeal and clarified information needed to proceed with the PREA investigation.

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 88 of 122

TRUILLO AA2974

Attachment E-1

Page 2

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE.

- As such, the details of any inquiry will not be shared with staff, members of the public, or offender appellants.
- Although you have the right to submit a staff complaint, a request for administrative
 action regarding staff or the placement of documentation in a staff member's personnel
 file is beyond the scope of the staff complaint process. A variety of personnel actions
 may be initiated by the Department based upon the content of your complaint and the
 outcome of any investigation or inquiry conducted as a result of your complaint.
- Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process.

If you wish to appeal the decision and/or exhaust administrative remedies, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's/Third Level of Review. Once a decision has been rendered at the Third Level, administrative remedies will be considered exhausted.

Print: <u>J. Anderson, Sergeant, ISU</u>	_ Sign:	Date: 2/8/2019
Interviewer		
Print: Dell, Cow	Sign:	Date:
Reviewing Authority		

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 89 of 122

STATE OF CALFORNIA RIGHTS, AND RESPONSIBILITY STATEMENT COOR 1868 (Aex - 16/06) posses mention obsession he and messabilitarion

23./

RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections and Rehabilitation has added the department language (shown inside brackets, in non-boldface type) for clarification purposes.

Pursuant to Penal Code 149.6, anyone wishing to tile an allegation of misconduct by a departmental pages officer must read, sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER (Inis includes a departmental peace officer) FOR ANY IMPROPER POLICE (or peace) OFFICER CONDUCT, CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' (or inmales/parciees) COMPLAINTS, YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENDUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED INPROPERLY. CITIZEN (or inmale/parciee) COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

OMPLAINANT & PRINTED NAME	COMPLAINANT'S SIGNATURE	OATE SIDNED	
AMATERAROLES PRINTER NAME	INMATE FARDIES SIGNATURE	COO NUMBER	02-28-19
ECEIVING STAFF'S PRINTED NAME	RECEIVING STAFF'S SIGNATURE	DATE SIGNED	

ISTRIBUTION:

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 90 of 122

ASL12. 159L

INMATE APPEAL ROUTE SLIP

To: ISU

Date: February 12, 2019

From: INMATE APPEALS OFFICE

Re: Appeal Log Number PBSP-A-19-00278 By Inmate TRUILLO, AA2974

Please assign this appeal to appropriate staff for SECOND level response.

Appeal Issue: STAFF COMPLAINTS

Due Date: 02/13/2019

Special Needs: CCCMS - TRIPLE CMS, E. C. REQUIRED

STAFF INSTRUCTIONS:

Second level appeals require a personal interview if not afforded at the first level, Begin your response with: GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return to Appeals Office. Appeals that are incomplete will be returned to the responding staff for appropriate completion. Refer to D.O.M. 54100 for instructions.

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	D. Landay, SSA
	T. Buchanan, SCR LT.
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Appe	als Coordinator
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 91 of 122

3401.5. Staff Sexual Misconduct.

- → (a) For the purposes of this section, staff sexual misconduct i means any sexual behavior by a departmental employee, solunteer, agenj or individual working on behalf of the Department of Corrections and Rehabilitation, which involves or is directed toward an inmate or parolee. The legal concept of "consent" does not exist between departmental staff and limites/parolees; any sexual behavior between them constitutes sexual misconduct and shalf subject the employee to disciplinary action and/or to proyecution under the Law, Sexual misconduct includes, but is not finited to:
- (1) Influencing or offering to influence an inmane's/purolee's safety, custody, housing, privileges, purole conditions or programming, or offering goods or services, in exchange for sexual favors;
- (2) Threatening an immate 's/parolee's safety, costody, housing! privileges, work detail, parole conditions or programming because the inmate/parolee has refused to engage in second behavior; or
 - (3) Engaging in sexual act(s) or contact, including:
 - (A) Sexual interchurse; or 1,
 - (B) Sodomy; or
 - (C) Oral Copulation; or
 - (D) Penetration of genital or anal openings by a foreign object, substance, instrument or device for the purpose of sexual arnusal, gradification, or manipulation; or
- (E) Rubbing of thoching of the breasts or sexual organs of another or of oneself, in the presence of and with knowledge of another, for the purpose of sexual arousal, gratification, or manipulation; or
- → (F) Invasion of privacy, beyond that reasonably necessary to maintain safety and security; or disrespectful, undaty familiar, or sexually threatening comments directed to, or within the hearing of an innate/purolec.
- 14) Display by staff, in the presence of an inmate; of the staff person's uncovered generalia, bottocks, or breast;

TIONS AND REPUBLICATION

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- (5) Voyeurism by a staff person including volunteers or independent contractors. Voyeurism is defined as an invasion of privacy of an offender by staff for reasons unrelated to official duties.
- th) Penalties All allegations of staff sexual misconduct shall be subject to investigation, which may lead to disciplinary action and/ or criminal prosecution.
- (c) Reporting Requirements. Any employee who observes, or who receives information from any source concerning staff sexual misconduct, shall immediately report the information or incident directly to the hiring authority, unit supervisor, or highest-ranking official on days. Failure to accurately and promptly report any incident, information or facts which would lead a reasonable person to believe sexual misconduct has accurred may subject the employee who failed to report it to disciplinary action.
- → (d) Confidentiality. Alleged victims who report criminal staff sexual misconduct falling into one of the Penal Code section set torth in Government Code Section 6254(D(2) shall be advised that the identity may be kept confidenced pursuant to Penal Code Section 293.5, upon their request.
- (e) Retaliation Against Employees. Retaliatory measures against employees who report incidents of staff sexual misconduct shall not be tolerated and shall result in disciplinary action analyte enturnal prosecution. Such retaliatory measures include, but are not limited to, unwarranted denials of promotions, merit salary increases, training upportunities, or requested transfers; involuntary transfer to another location/position as a means of punishment; or unsubstantiated poor performance reports.
- → (f) Retaliation Against Inmates/Parolees, Retaliatory measures against inmates/parolees who report incidents of staff sexual misconduct shall not be tolerated and shall result in disciplinary action and/or criminal prosecution. Such retaliatory measures include, but are not limited to, coercion, threats of punishment, or any other activities intended to discourage or prevent an inmate/parolee from reporting sexual misconduct.
- (g) Protection Measures. Multiple protection measures shall be considered to protect inmate victims who report staff sexual misconduct or cooperate with staff sexual misconduct investigations including but not limited to housing changes or transfers for immate victims, removal of alleged staff from contact with victims, and emotional support services for immates or staff who fear retailation for reporting staff sexual misconduct or sexual harassment or for cooperating with investigations.

NOTE: Authority ched: Section 3058, Penal Code, Reference; Sections 289.6, 293.5 and 5054, Penal Code; and Section 6254, Government Code; and 28 CFR Section 115.67.

INSTORY

- New section filed 6-21-2000 as an emergency; operative 6-21-2000 (Register 2000, No. 25). Pursuant to Penal Code section 5058(e), a Certificate of Compiliance must be transmitted to OAL by 11-28-2000 or emergency language with he repealed by operation of law on the following day.
- Certificate of Compliance as to 6-21-2000 order transmitted to OAL 10-5-2000 and filed 11-6-2000 (Register 2000, No. 45).
- Ainendment of subsection (d) and repealer of subsection (g) filed 3-20-2002; operative 4-19-2002 (Register 2002, No. 12).
- Change without regulatory effect amending subsection (a) filed 3-11-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 11).
- Amendment of section heading and subsection (a), new subsections (a)(4)(5), antendment of subsections (b)-(f), new subsection (g) and amendment of Note filed (b)-20-2016; operative (b)-20-2016 pursuant to Government Code section 11343/4(b)(3) (Register 2016, No. 43).

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 92 of 122

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cv-02714-HSG Document 1 Filed 04/20/20 Page 93 of 122....

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ASU2. 159L

INMATE APPEAL ROUTE SLIP

To: ISU

Date: February 12, 2019

From: INMATE APPEALS OFFICE

Re: Appeal Log Number PBSP-O-19-00273 By Inmate TRUILLO, AA2974

Please assign this appeal to appropriate staff for SECOND level response.

Appeal Issue: STAFF COMPLAINTS

Due Date: 03/13/2019

Special Needs: CCCMS - TRIPLE CMS, E. C. REQUIRED

STAFF INSTRUCTIONS:

Second level appeals require a personal interview if not afforded at the first level. Begin your response with: GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return to Appeals Office. Appeals that are incomplete will be returned to the responding staff for appropriate completion. Refer to D.O.M. \$4100 for instructions.

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 94 04.122

EXHIBIT G

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 95 of 122***

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF APPEALS
P. O. BOX 942833
SACRAMENTO, CA 94283-0001

THIRD LEVEL APPEAL DECISION

Date:

SEP 12 2019

în re:

Guillermo Truillo, AA2974 Pellcan Bay State Prison P.O. Box 7000 Crescent City, CA 95531-7000

TLR Case No.: 1908016

Local Log No.: OOA-19-01923

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner K. J. Allen. All submitted documentation and supporting arguments of the parties have been considered.

- I APPELLANT'S ARGUMENT: It is the appellant's position that the Office of Appeals (OOA) inappropriately cancelled his submitted appeal from Pelican Bay State Prison (PBSP). The appellant states that since the Second Level of Review (SLR) contains false information, the claim that he refused to be interviewed for the appeal interview is also a lie. The appellant states that staff lied as he never refused to be interviewed and his appeal matter should be addressed. The appellant requests that his previously cancelled appeal (PBSP Log #19-00273) be processed.
- II EXAMINER'S DECISION: The OOA cancelled the appeal in accordance with the California Code of Regulations, Title 15, Section (CCR) 3084.6(c)(8). The appellant failed to be interviewed with the reviewer.
- THIRD LEVEL DECISION: Appeal is denied.
 - A. FINDINGS: Although the appellant asserts that his appeal was inappropriately cancelled by the OOA, he has not presented sufficient evidence to support his claim that multiple staff lied concerning his refusal to cooperate during the appeal interview. Pursuant to the CCR 3084.6(c)(8), an appeal may be cancelled if the appellant refuses to be interviewed or to cooperate with the reviewer.

In the appellant's case, Investigative Services Unit Correctional Officer Diggle documented on a CDCR Form 128-B, General Chrono the appellant's refusal to participate in the telephonic interview. Therefore, the appeal was correctly cancelled in accordance with departmental rules and regulations. The appellant did receive a SLR and it is noteworthy that the CCR 3084.6(a)(5) indicates that "Beroneous acceptance of an appeal at a lower level does not preclude the next level of review from taking appropriate action, including rejection or cancellation of the appeal." Relief in this matter at the Third Level of Review is not warranted.

B. BASIS FOR THE DECISION: California Penal Code Section: 5058 CCR: 3001, 3084.1, 3084.5, 3084.6, 3084.8 CDCR Operations Manual, Section: 54100.1, 54100.3 Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 96 of 122

GUILLERMO TRUILLO, AA2974 CASE NO. 1908016 PAGE 2

C. ORDER: No changes or modifications are required.

This decision exhausts the administrative remedy available to the appellant within CDCR.

ALLEN, Appeals Examiner

Office of Appeals

Warden, PBSP

Appeals Coordinator, PBSP Appeals Coordinator, OOA

T. RAMOS, Chief (A)

Office of Appeals

			DEPARTMENT OF C	CORRECTIONS AND REHABILI	TATION
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D. If you are dissatisfied with the First Level response, explain the re- tor processing within 30 calendar days of receipt of response. If you ne	
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Inmate/Parolee Signature:

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 99 of 122

DEPARTMENT OF CORRECTIONS AND REHABILITATION STATE OF CALIFORNIA INMATE/PAROLEE APPEAL FORM ATTACHMENT CDCR 602-A (REV. 03/12) IAB USE ONLY Institution/Parole Region Category: Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used. Appeal is subject to rejection if one row of text per line is exceeded. WRITE, PRINT, or TYPE CLEARLY in black or blue ink. FD-34-123 TRUJELLO GUELLERMO CRUZ N/A A4.2474 A. Continuation of CDCR 602, Section A only (Explain your issue): LUTH THE INVESTIGATION WHILE HOUSED AT SAN QUENTEN STATE PRIBON. THESE ARE ALL FALSE RECORD ALLGGATIONS MADE BY SET. J. ANDERSON THAT I APPELLANT REFLIED TO PARTICIPATE IN THE TELEPHONIC INTERVIEW FOR THE VERY W 么 14 Date Submitted: 07-04-19 Inmate/Parolee Signature: B. Continuation of CDCR 602, Section B only (Action requested):

Date Submitted:

STATE OF CALIFORNIA INMATE/PAROLEBABP\$A20F07M027724HN CDCR 602-A (REV. 03/12)	SC Document 1	Filed 04/20/20	Page 100 of 122	Side 2
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 101 of 122

STATE OF CALFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF APPEALS
P. O. BOX 942833
SACRAMENTO, CA 94283-0001

Datas

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In re:

Guillermo Truillo, AA2974 North Kern State Prison P.O. Box 567 Delano, CA 93216-0567

TLR CASE NUMBER: LOCAL LOG NO.:

1901923

PBSP-19-00273

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner M. Hodges, Captain.

This appeal is being canceled in accordance with California Code of Regulations, Section 3084.6, Rejection, Cancellation, and Withdrawal Criteria. The appellant refused to be interviewed or cooperate.

On February 2, 2019, due to the appellant's out-to-court status and housing at San Quentin State Prison, Pelican Bay State Prison Investigative Services Unit Correctional Sergeant J. Anderson attempted to interview the appellant telephonically. However, the appellant refused to participate in the telephonic interview.

Pursuant to CCR 3084.6(e), once an appeal has been cancelled, the appeal may not be resubmitted. However, a separate appeal can be filed on the cancellation decision. The original appeal may only be resubmitted if the appeal of the cancellation is granted.

T. RAMOS, Chief (A)
Office of Appeals

cc:

Warden, NKSP

Appeals Coordinator, NKSP Appeals Coordinator, PBSP Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 102 of 122

State of California

Attachment E-1
Department of Corrections and Rehabilitation

Memorandum

Date: February 8, 2018

To: TRUILLO, GUILLERMO, # AA2974

Z02001A1-104001L, Kern Valley State Prison

Subject:

STAFF COMPLAINT RESPONSE - APPEAL # PBSP-O-19-00273 SECOND LEVEL RESPONSE PREA Log number assigned PBSP-PREA-19-02-007

APPEAL ISSUE:

TRUILLO submitted a CDCR 22 Form to appeals wherein TRUILLO claimed he submitted a CDCR 602 on June 19, 2018 relative to being touched in the genitals by female staff. The CDCR 22 Form was received on the day TRUILLO left PBSP on "out to court" status.

All issues unrelated to the allegation of staff misconduct must be appealed separately and will not be addressed in this response. You do not exhaust administrative remedies on any unrelated issue not covered in this response or concerning any staff member not identified by you in this complaint. If you are unable to name all involved staff you may request assistance in establishing their identity.

DETERMINATION OF ISSUE:

A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal is:

> The allegations are being investigated per Prison Rape Elimination Act (PREA) policy.

Your appeal is PARTIALLY GRANTED in that:

> TRUILLO's appeal has been referred by the hiring authority to a trained investigator to determine whether the evidence warrants an investigation. After the determination has been made, your complaint will be processed accordingly and you will be notified of the outcome.

An attempt was made to interview TRUILLO telephonically on Saturday, February 2, 2019 by Investigative Services Unit (ISU) Officer B. Diggle while you were housed at San Quentin State Prison. TRUILLO refused to participate in the telephonic interview (see 128B dated 2/2/2019) authored by Officer B. Diggle.

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 103 of 122

TRUILLO AA2974

Reviewing Authority

Attachment E-1

Page 2

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE.

- As such, the details of any inquiry will not be shared with staff, members of the public, or offender appellants.
- Although you have the right to submit a staff complaint, a request for administrative
 action regarding staff or the placement of documentation in a staff member's personnel
 file is beyond the scope of the staff complaint process. A variety of personnel actions
 may be initiated by the Department based upon the content of your complaint and the
 outcome of any investigation or inquiry conducted as a result of your complaint.

• Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process.

If you wish to appeal the decision and/or exhaust administrative remedies, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's/Third Level of Review. Once a decision has been rendered at the Third Level, administrative remedies will be considered exhausted.

Print: J. Anderson, Sergeant, ISU Sign: Date: 2/8
Interviewer

Print: Sr. J. C. W. Sign: Date: 2

Appeal Log No: PBSP-O-19-00273

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 104 of 122

TATE OF CALIFORNIA NMATE/PAROLEE REQUEST F	OR INTERVIE	W. ITEM OR SERVICE		RTMENT OF CO	RRECTIONS AND REHABILITATION
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 105 of 122----

ASU2.159L

INMATE APPEAL ROUTE SLIP

To: ISU

Date: February 12, 2019

From: INMATE APPEALS OFFICE

Re: Appeal Log Number PBSP-O-19-00273 By Inmate TRUILLO, AA2974

Please assign this appeal to appropriate staff for SECOND level response.

Appeal Issue: STAFF COMPLAINTS

Due Date: 03/13/2019

Special Needs: CCCMS - TRIPLE CMS, E. C. REQUIRED

STAFF INSTRUCTIONS:

Second level appeals require a personal interview if not afforded at the first level. Begin your response with: GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return to Appeals Office. Appeals that are incomplete will be returned to the responding staff for appropriate completion. Refer to D.O.M. 54100 for instructions.

	K. Royal, Appeals Coordinator
	D. Landay, SSA
	T. Buchanan, SCR LT.
	I. DeWitt
App	eals Coordinator
PBS	P Appeals Office

Case 4:20-cv-02714-HSG Document 1. Filed 04/20/20 Page 106 of 122

BTUTE OF CAUSTIEURA BIGHTS AND RESPONSIBILITY STATEMENT OCIOR 1865 (Rev. 1076) DEPARTMENT OF CONTROL TURBERS REPARE PRACTICE

min)

RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections and Rehabilitation has added the department language (shown inside brackets, in non-boldface type) for clarification purposes.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departniantal peace officer must read, sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER (INIS INcludes a departments) peace officer; For any improper police (or peace) Officer conduct. California LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' (or immetes/parajess) Complaints, you have a right to a written description of this procedure. This agency may find after investigation that there is not enough evidence to warrant action on your complaint; even if that is the case, you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. (Citizen (or immate/paralles) complaints and any reports or findings relating to complaints must be retained by this agency for at least five years.

OMPLAINANT'S PRINTED NAME	COMPLAINANT'S SIGNATURE	DATE SIGNED	
HMATEIPARULEE PRINTED NAME FUZELERMO TRUJELLO	IN STANDY EXSEINATURE	#AA-29/74	03-02-19
ECEIVING STAFF'S PRINTED HAME	RECEIVING STREETS SIGNATURE	DATE SIGNED	

DISTRIBUTION:
DRIGINAL TUBLIC - Institution Head/Parole Administrator
and als/Parolee - Attach to CDC form 602
mployee - Institution Head/Parole Administrator
CDY - Complainant

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 107 of 122

EXHIBIT H

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 108 of 122

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF APPEALS
P. O. BOX 942883*
SACRAMENTO, CA. 94283-0001

THIRD LEVEL APPEAL DECISION

- }!

2004 - 1-2012

Date: In re:

Guillermo Truillo, AA2974 California Medical Facility P.O. Box 2000 Vacaville, CA 95696

TLR Case No.: 1709527

Local Log No.: OOA-17-04917

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner S. K. Hemenway. All submitted documentation and supporting arguments of the parties have been considered.

- I APPELLANT'S ARGUMENT: It is the appellant's position that he is re-appealing the cancellation decision on appeal log # PBSP-17-00012. It was stated by Chief M. Voong at the Office of Appeals (OOA) that the issue had been resolved; however, argues that there was no action taken against correctional officers dental to his priority legal user status on the specific listed days, which is a violation of California Code of Regulations, Title §5, Section (CCR) 3122, Inmate Law Library and to have meaningful access to the courts and meet dendlines on active cases. The appellant is requesting this appeal bypass the Third Level of Review (TLR) to finish exhausting his administrative remedies.
- II OOA'S DECISION: The above appeal log # PBSP-17-00012 was cancelled by the OOA as the FLR and SLR granted the appellant's request to be given Priority Legal User (PLU) status on December 21, 2016 through January 7, 2017.
- III THIRD LEVEL DECISION: Appeal is denied.
 - A. FINDINGS: The reviewer found that the appeal, log # PBSP-17-00012 was cancelled at the TLR as the appellant was authorized Priority Legal User (PLU) status on December 21, 2016, through January 7, 2017, as the appellant requested. The appellant claims that he was not allowed access to the library by the correctional officers. The appellant did not mention who those officers were or when he was denied access.

The Examiner reviewed the attached CDCR 22, Inmate/Parolee Request for Interview, Item or Service dated December 11, 2016, requesting his legal and personal property from the Facility "B" property staff. The appellant does not mention if he received the property or not, just states in this appeal that the officers would not give him access to his PLU status.

The Examiner surmises that the appellant was allowed access to the law library as annotated by the attached Pelican Bay State Prison Law Library Access Request. The above appeal was appropriately cancelled as the appellant was granted PLU status on the dates he requested.

After consideration of the evidence and arguments herein, the Examiner has determined that staff acted in accordance with departmental policy and procedure; therefore, relief at the TLR is not warranted in this case.

- B. BASIS FOR THE DECISION: CCR: 3000, 3000.5, 3001, 3084, 3084.1, 3084.3, 3120, 3122, 3123, 3380
- C. ORDER: No changes or modifications are required by the Institution.

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 109 of 122

Office of Appeals

GUILLERMO TRUILLO, AA2974 CASE NO. 1709527 PAGE 2

This decision exhausts the administrative remedy available to the appellant within CDCR.

S. K. HEMENWAY, Appeals Examiner

Office of Appeals

Warden, CMF Appeals Coordinator, CMF Appeals Coordinator, OOA

STATE OF CALIFORNIA NMATE/PAROLEE APPEAL		DEPARTMENT OF C	ORRECTIONS AND REHABILITATE
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Appeal is subject to rejection if one row of text per line is excee	ded. CDC Huntuar:	WRITE, PRINT, or TYPE	CLEARLY in black or blue ini Assignment:
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C. First Level - Staff Use Only	Staff - Check	One: Is CDCR 602-A Atta	ched? Yes No
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 111 of 122

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 112 of 122

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION OFFICE OF APPEALS P. O. BOX 942883 SACRAMENTO, CA 94283-0001

Date:

AB6 - 2 角材

In re:

Guillermo Truillo, AA2974 San Quentin State Prison San Quentin, CA 94974

TLR CASE NUMBER: LOCAL LOG NO.:

1704917

PBSP-17-00012

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner M. Hodges, Captain.

This appeal is being cancelled in accordance with California Code of Regulations, Section 3084.6, Rejection, Cancellation, and Withdrawal Criteria. The issue has been resolved. Further review is unnecessary.

In this appeal the appellant appealed his law library access. His requested action was "...would like for (staff) to stop denying me to attend law library...." The First and Second Levels of Review noted the appellant was granted Priority Legal User status and afforded law library access on the specific listed days. The appellant's request was granted at the First and Second Levels of Review.

Pursuant to CCR 3084.6(e), once an appeal has been cancelled, the appeal may not be resubmitted. However, a separate appeal can be filed on the cancellation decision. The original appeal may only be resubmitted if the appeal of the cancellation is granted.

WOONG, Chief Office of Appeals

Warden, SQ

Appeals Coordinator, SQ Appeals Coordinator, PBSP

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 113 of 122,

and a single sin		<u>1</u> .	DEPARTMENT OF C	SORKECTIONS AND REMABILITATION
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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 114 of 122

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Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 115 of 122





FIRST LEVEL APPEAL RESPONSE

RE: PELICAN BAY STATE PRISON (PBSP)
Appeal Log PBSP-B-17-00012
First Level Reviewer's Response

INMATE: TRUJILLO, AA2974

APPEAL DECISION: GRANTED

APPEAL ISSUE: LEGAL

EFFECTIVE COMMUNICATION:

A review of the Pelican Bay State Prison (PBSP) Test of Adult Basic Education (TABE) database indicates your reading grade point level is 1.8. A review of the Disability and Effective Communication System indicates you have no disabilities which require special accommodation. However, based on your TABE reading level, to ensure effective communication during your interview with Mr. Cummings, acting Supervisor of Correctional Education Programs [SCEP (A)], he used simple English spoken slowly and clearly. Effective communication was achieved based on the manner in which you were able to restate the appeal issue in your own words. You also verified that you fully understood all aspects of the interview and appeal issue. Since your reading score is less than 4.0, the Appeals Coordinator will assign a staff member to read this appeal response to you to ensure effective communication.

ACTION REQUESTED:

You request that staff not obstruct your access to the courts by denying your access to the Law Library.

FINDINGS:

Inmate TRUJILLO, in reaching a decision on your appeal, your California Department of Corrections and Rehabilitation (CDCR) 602 and its attachments, applicable sections of the California Code of Regulations (CCR), Title 15, the Department Operations Manual (DOM), PBSP DOM Supplements, and your Thursday, February 9, 2017, interview with Mr. Cummings, SCEP (A), were reviewed and considered.

During your interview with Mr. Cummings, you verified the appeal issue and requested remedy. You were designated a Priority Legal User (PLU) on December 21, 2016, that expired on January 7, 2017. The CCR, Title 15, Section 3123(b), states in part: Inmates on PLU status may receive a minimum of 4 hours per calendar week of requested physical law library access, as resources are available, and shall be given higher priority to the law library resources. Inmates receive physical access to the law library dependent on their user status, PLU or GLU and also available resources, custody personnel, and the requirements of custodial security in accordance with the Title 15, Section 3270. SOMS appointment scheduling shows that you were scheduled for Law Library access on December 28, 2016, December 29, 2016, January 3, 2017, January 4, 2017, and January 5, 2017. Based on the fact that you were scheduled to attend Law Library, PBSP has not obstructed your access to the courts nor have you been denied access to the Law Library. Therefore, your request to have access to the courts by being given library access is GRANTED.

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 116 of 122

TRUJILLO, AA2974 Appeal Log # B-17-00012 Page 2

DETERMINATION OF ISSUE:

The First Level Review was comprehensive and your concerns were clearly addressed. Based on the information above, your appeal has been GRANTED. Your request that staff not obstruct your access to the courts by denying your access to the Law Library has been GRANTED.

If you are dissatisfied with this decision, you may appeal to the Second Level Review by following the directions on the front of your CDCR 602 form.

A. PEPIOT Da Captain (Adult Institution)

Central Services

Associate Warden Central Services



PELICAN BAY STATE PRISON SECOND LEVEL REVIEW

DATE: APR 1 1 2017

Inmate TRUILLO, AA2974 Kern Valley State Prison Short Term Housing Unit Facility Z, Cell 122

RE: WARDEN'S LEVEL DECISION APPEAL LOG NO. PBSP-B-17-00012 APPEAL: GRANTED ISSUE: LEGAL

This matter was reviewed by C. E. Ducart, Warden, at Pelican Bay State Prison (PBSP). On February 9, 2017, J. Cummings, Supervisor of Correctional Education Programs (SCEP), conducted the interview at the First Level Review. All submitted documentation and supporting arguments have been considered.

ISSUES .

On December 20, 2016, the inmate submitted a Priority Legal User (PLU) request for his legal deadline ending December 23, 2016. The inmate's request was granted on December 21, 2016, for PLU through January 7, 2017. The inmate alleges the law library violated his two day deadline in bad faith to have his action dismissed.

The inmate is requesting for staff to stop denying him access to the law library.

EFFECTIVE COMMUNICATION

The inmate has been identified with a disability or effective communication need. The inmate has a Test of Adult Basic Education score of 1.8. The inmate is a participant in the Mental Health Services Delivery System at the Correctional Clinical Case Management System level of care.

FINDINGS

First Level Review notes the inmate's PLU designation started on December 21, 2016, and expired on January 7, 2017. PLU designated inmates are allowed access to the law library based on their user status, available resources, custody personnel, and the requirements of custodial security in accordance with the California Code of Regulation (CCR), Title 15, Section 3271. Strategic Offender Monitoring System appointment scheduling shows the immate was scheduled for law library access on December 28, 2016, December 29, 2016, January 3, 2017, January 4, 2017, and January 5, 2017. Based in the immate being scheduled to attend law library no obstruction has occurred while at PBSP and the immate's request was granted.

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 118 of 122

Supplement Page 2 TRUILLO, AA2974 Appeal # PBSP-B-17-00012

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The inmate disagrees with the First Level Review as he contends D. Short, Captain, refuses to take full responsibility for the inmate being denied access to the law library.

DETERMINATION OF ISSUE

The CCR, Title 15, Section 3123, Access to Law Libraries, states in part, (a) Physical law library access means physical entry into a facility law library for the purpose of using its legal resources. A facility law library includes, but is not limited to, a print law library or the Law Library Electronic Delivery System (LLEDS) with any necessary print supplements. (b) All inmates, regardless of their classification or housing status, shall be entitled to physical law library access that is sufficient to provide meaningful access to the courts. Inmates on PLU status may receive a minimum of four hours per calendar week of requested physical law library access, as resources are available, and shall be given higher priority to the law library resources. Inmates on GLU status may receive a minimum of two hours per calendar week of requested physical law library access, as resources are available.

The CCR, Title 15, Section 3270, Rejection, General Policy, states, The primary objectives of the correctional institutions are to protect the public by safely keeping persons committed to the custody of the Secretary of Corrections and Rehabilitation, and to afford such persons with every reasonable opportunity and encouragement to participate in rehabilitative activities. Consistent effort will be made to insure the security of the institution and the effectiveness of the treatment programs within the framework of security and safety. Each employee must be trained to understand how physical facilities, degree of custody classification, personnel, and operative procedures affect the maintenance of inmate custody and security. The requirement of custodial security and of staff, inmate and public safety must take precedence over all other considerations in the operation of all the programs and activities of the institutions of the department.

A thorough review of this matter was conducted at the First and Second Level Review. The inmate's request for staff to stop denying him access to the law library is GRANTED. The appeal was granted at the First Level Review noting the dates made available for the inmate to attend law library. The inmate does not show how or articulate how he was denied access to the law library.

This appeal is GRANTED at the Second Level Review.

MODIFICATION ORDER

No modification of this decision or action taken is required,

WR DANE: 4/6/17

Warden

DÜCAR

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 119 of 122

ATTACHMENT

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 120 of 122

3004. Rights and Respect of Others.

(a) Intrace and paroless have the right to be meated respectfully, impartially, and fairly by all employees. Inmates and paroless have the responsibility to treat others in the same manner. Employees and innates may use first names in conversation with each other when it is mutually acceptable to both parties.

(b) Inmates, parolees and employees will not openly display disrespect or contempt for others in any manner intended to or reasonably likely to disrupt orderly operations within the institutions or to had to or provoke violence.

(c) Inmates, purolees and employees will not subject other persons to any form of discrimination because of race, religion, nutionality, sex, political belief, age, or physical or mental hundicap.

HISTORY:

Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).

Case 4:20-cv-02714-HSG Document 1 Filed 04/20/20 Page 121 of 122

(F).

3293. Polygraph Examinations.

(a) Polygraph examinations may be administered by departmental staff to inmales, parolees, and employees in the course of an investigation of official matters, under the following conditions:

(1) The examines has, without coorelon, signed a written statement of consent to the examination.

(2) The polygraph examines is a Office of Correctional Safety staff member.

(3) The Assistant Secretary or designee, Office of Correctional Safety, has approved the examination.

(b) Polygraph, examinations shall not be used as an attenuative to regulatory requirements for determining a person's guilt or innocence of charges in disciplinary mutters.

NOTE: Authority cited: Section 5058; Penal Code, Reference: Section

NOTE: Nutrity cited: Section 5058; Penul Code, Reference; Section 3007, Government Code: Section 5054; Penul Code; and Lang Beach City Employee's Association v. City of Long Beach (1986) 41 Cal.3rd 937, 227 Cal.Rptr, 90.

Case 4:20-cy-02714-HSG Document 1 Filed 04/20/20 Page 122 of 122

3401.5. Staff Sexual Misconduct.

- → (a) For the purposes of this section, staff sexual misconduct means any sexual behavior by a departmental employee, volunteer, agent or individual working on behalf of the Department of Corrections and Rehabilitation, which involves or is directed toward an inmate or parolee. The legal concept of "consent" does not exist between departmental staff and immates/purolees; any sexual behavior between them constitutes sexual misconduct and shalf subject the employee to disciplinary action and/or to prisecution under the law. Sexual misconduct includes, but is not timited to:
- (1) Influencing or offering to influence an immae/s/parolee's safety, custody, housing, privileges, parole conditions or programming, or offering goods or services, in exchange for sexual favors; or
- (2) Threatening an Inmate Aparolee's safety, custody, housing: [privileges, work detail, parole conditions or programming because the inmate/parolee has refused to engage in sexual behavior; or
 - (3) Engaging in sexual act(s) or contact, including:
 - (A) Sexual intercourse; or
 - (B) Sodomy; or
 - (C) Oral Copulation; or
 - (D) Penetration of genital or analtopenings by a foreign object, substance, instrument or device for the purpose of sexual arrowal, grantication, or manipulation; or
- (E) Rúbbing or touching of the breasts or sexual organs of another or of oneself, in the presence of and with knowledge of another, for the purpose of sexual arousal, gratification, or manipulation; or
 (F) Invásion of privacy, beyond that reasonably necessary to maintain safety and security; or disrespectful, unduly familiar, or sexually threatening comments directed to, or within the hearing of, an inmate/parolee.
- (4) Display by staff, in the presence of an inmate, of the staff person's incovered genualfa, buttocks, or breast;

MONS AND REMABILITATION

\$3401.5

- (5) Voyeurism by a staff person including volunteers or independent contractors. Voyeurism is defined as an invasion of privacy of an offender by staff for reasons unrelated to official duties.
- (b) Penalties All allegations of staff sexual misconduct shall be subject to investigation, which may lead to disciplinary action and/ or criminal prosecution.
- ter Reporting Requirements. Any employee who observes, or who receives information from any source concerning staff sexual inisconduct, shall immediately report the information or incident directly to the hiring authority, unit supervisor, or highest-ranking official on day. Failure to accurately and promptly report any incident, information or facts which would lead a reasonable person to believe sexual misconduct has occurred may subject the employee who failed to report it to disciplinary action.
- (d) Contidentiality. Afleged victims who report criminal staff sexual misconduct falling into one of the Penal Code section set forth in Government Code Section 6254(D(2) shall be advised that their identity may be kept comidential pursuant to Penal Code Section 293.5, upon their request.
- (e) Retaliation Against Employees, Retaliatory measures against employees who report incidents of staff sexual inscenduer shall not be tolerated and shall result in disciplinary action and/or criminal prosecution. Such retaliatory measures include, but are not limited to, unwarranted denials of promotions, merit salary increases, training opportunities, or requested transfers; involuntary transfer to another location/position as a means of punishment; or unsubstantiated poor performance reports.
- (f) Resultation Against Inmates/Paroleas, Retallatory measures against inmates/parolees who report incidents of staff sexual misconduct shall not be rolerated and shall result in disciplinary action and/or criminal prosecution. Such retailatory measures include, but are not limited to, coercion, threats of punishment, or any other activities intended to discourage or prevent an inmate/purolee from reporting sexual misconduct.
- (g) Protection Measures, Multiple protection measures shall be considered to protect inmate victims who report staff sexual misconduct or emperate with staff sexual misconduct or emperate with staff sexual misconduct investigations including but not limited to housing changes or transfers for inmate victims, removal of alleged staff from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting staff sexual misconduct or sexual harassment or for cooperating with investigations.

NOTE: Authority cited: Section 5058, Penal Code, Reference; Sections 289.6, 293.5 and 5054, Penal Code; and Section 6254, Government Code; and 28 CFR Section 115.67.

HISTORY:

- New section filed 6-21-2000 as an emergeney; operative 6-21-2000 (Register 2000), No. 25). Pursuant to Penal Code section 5058ter, a Certificate of Compliance must be transmitted to OAL by 11-28-2000 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 6-24-2000 order transmitted to OAL 10-5-2000 and filed 11-6-2000 (Register 2000, No. 45).
- Amendment of subsection (d) and repealer of subsection (g) filed 3-20-2002; operative 4-19-2002 (Register 2002, No. 12).
- Change without regulatory effect unrending subsection (a) filed 3-11-2013 pursuant to section 100, (file 4, California Code of Regulatants (Register 2013, No. 11).
- Amendment of section heading and subsection (a), new subsections (a)(4)-(5), amendment of subsections (b)-(f), new subsection (g) and amendment of Note filed (0-20-2016) operative (0-20-2016) pursuant to Government Code section (1343,4(b)(3)) (Register 2016, No. 43).